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Air Pollution Regulations in State Implementation Plans California, Ventura County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

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Air Pollution Regulations in State Implementation Plans:

California

Ventura County

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California
Ventura County

by

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EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
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INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

VENTURA COUNTY (APCD)

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regs. unless otherwise stated.
7/25/73	8/15/77	Rules 2, 37, 56, 59, 60, 101. (Rule 56(A)(1) is disapproved)
7/19/74	8/15/77	Rules 2, 3, 31, 32, 200, 203, 204
10/23/74	8/15/77	Rules 2, 125
11/3/75	8/15/77	Rules 65, 66, 72, 73
2/10/76	7/26/77	Rules 70, 71
4/21/76	8/15/77	Rules 2, 4, 36, 40, 41, 42, 43, 104, 201, 202
11/10/76	7/26/77	Rule 70
11/10/76	8/15/77	Rules 2, 57, 72, 73, Reg. VII (110-129)

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REGULATION I, GENERAL

(2.0) Rule 1. Title

These Rules and Regulations shall be known as the Rules of the Ventura County Air Pollution Control District.

(1.0) Rule 2. Definitions

A. Except as otherwise specifically provided in these Rules and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in Division 26 of the Health and Safety Code of the State of California.

1. Acceptable Incinerator. "Acceptable Incinerator" means any device or contrivance designed to consume combustible refuse without creating objectionable odor, smoke, or contaminants in excess of specified emission limits. An acceptable incinerator must have a chimney or flue.

2. Agricultural Operation. "Agricultural Operation" means an operation directly related to the growing or harvesting of products for human consumption such as food crops, raising of fowl , or animals, for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution.

3. Agricultural Wastes. "Agricultural Wastes" means unwanted or unsaleable materials produced wholly from agricultural operations other than forest or range management operations.

   Examples of Agricultural Wastes include:

   (a) Tree trimmings;

   (b) Grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and

   (c) Material not produced wholly from agricultural operations, but which are intimately related to the operations and which are used or result from in the field agriculture practices by the farmer, such as stakes or trimmings from windrows, except as prohibited by District regulations.

4. Air Contaminant. "Air Contaminant" means any emission

for which allowable discharge limits and/or air quality standards have been established by the Rules and Regulations of the Ventura County Air Pollution Control District, the State of California Air Resources Board, or the Federal government.

5. Air Pollution Abatement Operation. "Air Pollution Abatement Operation" means any operation which has as its essential purpose a significant reduction in:

   a. the emission of air contaminants, or,

   b. the effect of such emission.

6. Air Pollution Control Officer. "Air Pollution Control Officer" means the Air Pollution Control Officer or his duly authorized assistants and deputies.

7. Air Quality Standards. "Air Quality Standards" as used in these Regulations refers to those ambient air quality standards as promulgated by State or Federal pollution control agencies or as described in these Regulations.

8. Applicable. "Applicable" means the applicable standards as of May 23, 1972.

9. Atmosphere. "Atmosphere means the air that surrounds the earth but does not include the general volume of gases contained in any bona fide building.

10. Authority to Construct. "Authority to Construct" means a written permit issued by the Ventura County Air Pollution Control District for the construction, erection, installation, assembling, modification, or replacement of any facility including any article, machine, equipment or contrivance the use of which may cause the issuance, reduction, control or elimination of air contaminants.

11. Ban. "Ban" means that condition declared by the Air Pollution Control District for those areas in the County on those days that measured or expected ambient concentrations of pollutants exceed State or Federal air quality standards and which is grounds of the invalidation of any open burning permit issued.

12. Board. "Board" means the Air Pollution Control Board of the Air Pollution Control District of Ventura County.

13. Brush Treated. "Brush Treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, dried, or has been desiccated with herbicides.

14. Burn Day. "Burn Day" means a day on which the Air Resources Board and the Ventura County Air Pollution Control District and the fire protection agency does not prohibit agricultural burning.

15. Combustible Refuse. "Combustible Refuse" means any solid or liquid combustible waste material containing carbon in a free or combined state.

16. Combustion Contaminants. "Combustion Contaminants" means particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

17. Condensed Fumes. "Condensed Fumes" means minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or which may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

18. Construction. "Construction" means the erection, installation, assembling, modification, or replacement of any article, machine, equipment or contrivance. Construction begins when any of the following occurs: ground is broken, equipment is moved into position, or any connection or attachment is done to or for the equipment in question.

19. Crop. "Crop" means any agricultural product grown, produced, or raised commercially for feed or for human consumption or in connection with agricultural operations.

20. District. "District" shall mean the Ventura County Air Pollution Control District.

21. Dust. "Dust" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

22. Effluent. "Effluent" means the total volume of gases and/or liquids and/or solids emitted from an emission

point.

23. Emission. "Emission" means the act of passing into the atmosphere an air contaminant or a gas stream which may or may not contain an air contaminant; or the material so passed into the atmosphere.

24. Emission Data. "Emission Data" are measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Data used to calculate emission data are not emission data.

25. Emission Point. "Emission Point" means any point from which any air contaminants are released into the atmosphere.

26. Emission Standards. "Emission Standards" as used in these Regulations means U. S. Federal (EPA), State of California (ARB) or Ventura County Air Pollution Control District standards or limits for air contaminant emissions, whichever are the most restrictive.

27. Existing Equipment. "Existing Equipment" means all equipment which is in use or is under actual construction as of the date of rule adoption.

28. Fleet Vehicle. "Fleet Vehicles" are gasoline powered motor vehicles as defined by the Motor Vehicle Code, Division 1, Section 416 of the State of California Vehicle Code and operated from one business or governmental entity.

29. Forest Management Burning. "Forest Management Burning" means the use of open fires as part of a forest management practice, to remove forest debris.

30. Frost Protection. "Frost Protection" means the protection of agricultural crops against damage from frost or cold weather.

31. Gasoline. "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4.0 pounds per square inch or greater, which is sold or intended for sale for use in motor vehicles or engines and is commonly or commercially known or sold as gasoline.

32. Hazard. "Hazard" means a potential source of danger or accident or a dangerous condition.

33. Hazardous Material. "Hazardous Material" means danger-

ous, poisonous, corrosive, oxidizing, volatile, flammable, explosive or toxic materials for which Federal, State or Ventura County industrial safety or other limits have been established.

34. Head Space. "Head Space" means the gas space above an organic liquid.

35. Head Space Reactivity. "Head Space Reactivity" of an organic liquid means that concentration in percent by volume of reactive compounds which would exist in a gas in equilibrium with the organic liquid at 14.7 pounds per square inch absolute pressure and that temperature which exists in the source operation.

36. Loading Facility. "Loading Facility" shall mean any aggregation or combination of organic liquid loading equipment which is located so that all the organic liquid loading outlets for such aggregation or combinations or loading equipment can be encompassed within any circle of 300 feet in diameter.

37. Motor Vehicle. "Motor Vehicle" as defined in the California Vehicle Code, Division 1, Section 415. A "motor vehicle" is a vehicle which is self-propelled.

38. Multiple-Chamber Incinerator. "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure, or part of a structure used to dispose of combustible refuse by burning; consisting of two or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

39. Noxious Mist. "Noxious Mist" means a mist which is harmful, destructive, toxic, dangerous, hazardous, objectionable, distasteful, obnoxious, offensive, or injurious to physical or mental health.

40. No-Burn Day. "No-Burn Day" means a day on which no open burning will be allowed.

41. Non-Mobile Equipment. "Non-Mobile Equipment" is equipment which does not need to be registered under the Vehicle Code of the State of California.

42. Oil-Water Separator. "Oil-Water Separator" means any device or operation which has as its principle purpose

separation of liquid organic compounds from an oil-water waste.

43. Opacity. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of the background.

44. Operation. "Operation" means any physical action resulting in a change in location, form, or physical properties of a material; or any chemical action resulting in a change in the chemical composition, chemical or physical properties of a material.

45. Orchard Heater. "Orchard Heater" means any article, machine, equipment or contrivance burning any kind of fuel, which is designed, used, maintained, or capable of being used for protection of agricultural crops against frost or cold weather; provided, however, that the devices which are commonly known as "wind machines" are not included in the terms "orchard heater" or "heater".

46. Organic Compound. "Organic Compound" means any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element.

47. Organic Gases. "Organic Gases" means organic compounds which are emitted into the atmosphere as gases or which exist as gases after being emitted to the atmosphere.

48. Organic Materials. "Organic Materials" are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

49. Organic Solvents. "Organic Solvents" include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents; except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

50. Particulate Matter. "Particulate Matter" means any material except uncombined water which exists in a finely devided form and is a liquid or solid at standard conditions. Dust shall also be considered as particulate matter.

51. Permit to Operate. "Permit to Operate" means a written permit issued by the Ventura County Air Pollution Control District for the operation of any facility, article, machine, equipment, or other contrivance the use of which may cause the issuance, reduction, control, or elimination of air contaminants.

52. Person. "Person" means any person, corporation, government agency, public officer, association, joint venture, partnership or any combination of such, jointly or separately, operating in concert for any common objective related to the purposes of this Regulation. It includes the owner, lessor, lessee, tenant, licensee, manager, and operator, or any of such, of an emission point or any source operation related thereto, or of any interest in such emission point or source operation.

53. Photochemically Reactive Solvent. "Photochemically Reactive Solvent" is any solvent with an aggregate of more than 20 per cent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations referred to the total volume of solvent:

    a. A combination of hydrocarbons, alcohols, aldehydes, esters, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

    b. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent.

    c. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

54. Point Source. "Point Source" means any non-mobile or stationary source capable of causing emissions in excess of twenty-five (25) tons per year of any "air contaminant."

55. PPM. "PPM" means parts per million by volume.

56. Process Weight. "Process Weight" means the total weight of all materials introduced into a source operation including solid fuels, but excluding combustion air and liquids and gases used solely as fuels or as a means of conveyance. Liquids and gases shall be included only in the process weight to the extent that they chemically react in the formation of the final product or to the

extent that they remain in combined form as an integral part of the final product. Process weight rate means a rate established as follows:

a. For continuous or long run steady state source operation, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

b. For cyclical or batch source operation, the total process weight for a period which covers a complete operation or integral number of cycles, divided by the hours of actual process operation during such periods, excluding any time during which the equipment is idle.

57. Public Record. "Public Record" means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except "trade secrets" as defined in Regulation IX, Rule 200, Paragraph C.

58. Range Improvement Burning. "Range Improvement Burning" means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on presently uncultivated land.

59. Reactive Organic Compounds. "Reactive Organic Compounds" means all olefins (except perchlorethylene), aromatics (except benzene), aldehydes, ketones, ethers, esters and cyclo-olefinic aldehydes.

60. Record. "Record" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

61. Reduction of Animal Matter. "Reduction of Animal Matter" means processing of animal matter by any process, including rendering, cooking, drying, dehydration, digestion, evaporation, and protein concentration but not including any processing of food for human consumption.

62. Regulation. "Regulation" means one of the major categories of the Rules of the Air Pollution Control District of Ventura County.

63. Rule. "Rule" means a Rule of the Air Pollution Control District of Ventura County.

64. Schedule of Increments of Progress. "Schedule of Increments of Progress" means a statement of dates when various steps are to be taken to bring a source of air contaminants into compliance with emission standards and shall include, to the extent feasible, the following:

  a. The date of submittal of the final plan for the control of emissions of air contaminants from that source to the Air Pollution Control District.

  b. The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.

  c. The date of initiation of on site construction or installation of emission control equipment or process change.

  d. The date by which on site construction or installation of emission control equipment or process modification is to be completed.

  e. The date by which final compliance is to be achieved.

  f. Such other dates by which other appropriate and necessary steps shall be taken to permit close and effective supervision of progress toward timely compliance.

65. Section. "Section" means the Section of the Health and Safety Code of the State of California unless some other regulation is specifically indicated.

66. Silvicultural. "Silvicultural" means the establishment, development, care and reproduction of stands of timber.

67. Solid Particulate Matter. "Solid Particulate Matter" includes any material which would become solid at standard conditions of temperature and pressure.

68. Source Operation. "Source Operation" means the last

operation preceding the emission of an air contaminant which operation:

a. results in a separation of the air contaminants in the process materials or in the conversion of the process materials into air contaminants as in the case of combustion of fuel, and,

b. is not an air pollution abatement operation.

69. Standard Conditions. "Standard Conditions" means a gas temperature of 70 degrees Fahrenheit (21.1° Centigrade) and a gas pressure of 14.7 pounds per square inch (760 mm. Hg) absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure unless otherwise called for.

70. Startup. "Startup" means the setting in operation of an affected facility for any purpose.

71. Stationary Source. "Stationary Source" means any building, structure, facility, or installation which emits or may emit any air pollutant.

72. Submerged Fill Pipe. "Submerged Fill Pipe" means any fill pipe or discharge nozzle which meets any one of the following conditions:

a. The bottom of the discharge pipe or nozzle is below the surface of the liquid in the receiving vessel for at least 95 percent of the volume filled.

b. The The bottom of the discharge pipe or nozzle is six inches or less from the bottom of the receiving vessel.

c. The bottom of the discharge pipe or nozzle is less than two pipes or nozzle diameters, whichever is smaller, from the bottom of the receiving vessel.

73. Timber Operations. "Timber Operations" means cutting or removal of timber or other forest vegetation.

(2.0) Rule 3. Advisory Committee

A. The Air Pollution Control Board shall appoint an Air Pollution Control Advisory Committee to advise and consult with the Board and the Air Pollution Control District on making and amending Rules and Regulations and such other matters as the Air Pollution Control Board or Air Pollution Control District may refer to it. The Committee shall consist of the Chairman of the Air Pollution Control Board as an ex-officio member and five to fifteen members who are skilled and experienced in the field of air pollution control. One to three members shall be appointed from each supervisorial district of the County of Ventura.

B. The Committee shall select a chairman and vice chairman and such other officers as it deems necessary.

C. The Committee shall serve without compensation but may be allowed actual expenses incurred in the discharge of their duties. The Committee shall meet as frequently as the Air Pollution Control Board or Committee deem necessary.

(2.0) Rule 4. Rules Supplemental

All Rules, Regulations, and Ordinances adopted by the Air Pollution Control District are supplemental to the provisions of Division 26 of the Health and Safety Code. In the event of conflicting provisions, the most restrictive shall prevail.

(2.0) Rule 5. Effective Date

All Rules are effective for all equipment as of the effective date of their adoption, unless indicated otherwise. When an effective date is otherwise indicated, existing equipment shall be subject to the previous Rules until the newly adopted Rule becomes effective.

(2.0) Rule 6. Abbreviations

B.T.U. - British Thermal Unit(s)
cal. - calorie(s)
c.f.m. - cubic feet per minute
CO - carbon monoxide
CO_2 - carbon dioxide
g. - gram(s)
gr. - grain(s)
mg. - milligram(s)
mm. - millimeter(s)
l. - liter(s)
Hg. - mercury
in. - inch(es)
lb. - pound(s)
ml. - milliliter(s)
% - percent
NO - nitric oxide
NO_2 - nitrogen dioxide

ppm - part per million
s.c.f. - standard cubic feet
s.c.f.m. - standard cubic feet per minute
SO_2 - sulfur dioxide
H_2S - hydrogen sulfide
min. - minute
hr. - hour
vol. - volume

ADMINISTRATION AND ENFORCEMENT

REGULATION II, PERMITS

Exist. Permit Application Required

Except as otherwise provided in the Air Pollution Control District Rules, before any person either installs, operates, rents, or uses any article, machine, equipment, or other contrivance the use of which may cause the issuance of any air contaminant, he shall apply for a Permit to Operate from the Air Pollution Control Officer. A separate permit application shall be required for each non-contiguous property or location.

(3.0) Rule 10. Permits Required (except as listed in Rule 23)

A. Authority to Construct

Any person building, erecting, or installing any facility including any facility, article, machine, equipment or other contrivance which may result in the emission of air contaminants shall first obtain written authorization for such construction from the Ventura County Air Pollution Control District. In addition, any person who plans any modification or replacement of such facility or equipment which may increase the emissions of the operation shall first obtain written authorization for such construction from the Ventura County Air Pollution Control District. All other modifications shall comply with Rule 17.

Such an Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted, denied, or cancelled. A separate permit application shall be required for each non-contiguous property or location.

B. Permit to Operate

Before any person either operates, uses, or offers for use any facility including any article, machine or other contrivance the use of which may result in the emission of any air contaminant, he first shall obtain a Permit to Operate from the Air Pollution Control District. A separate permit application shall be required for each non-contiguous property or location.

Exist. Permit Application Contents

The application for a permit shall contain a list and description of the equipment with its function and use explained. The Air Pollution Control District may request such additional plans, specifications, and supportive data as deemed necessary to show compliance with all rules and regulations of the District.

(3.0) Rule 11. Application Contents

A. Applications for an Authority to Construct or Permit to Operate under Rule 10 shall be filed with the Air Pollution Control District on the appropriate form, and shall include a list and description of the equipment with its function and use explained. Submitted with the application shall be such plans, specifications, analyses, calculations, supportive data and any actual or available comparable test data as deemed necessary to show compliance with all applicable State or Federal emission or air quality standards and all Rules and Regulations of the District, and, for any "point source", to substantiate predicted quantitative effects of any such emissions on the ambient air quality relative to "air quality standards". The Air Pollution Control District may request additional information as deemed necessary.

B. Every person is guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses, plans or specifications submitted either in conjunction therewith, or at the request of the Air Pollution Control District. (Health and Safety Code Section 24277)

Exist. Statement by Engineer

Prior to the operation of the equipment on a production basis, the applicant shall submit a statement signed by a registered engineer of the State of California or by someone approved by the Air Pollution Control Board to read as follows: "I am familiar with the rules of the Ventrua County Air Pollution Control District and the equipment which is the subject of Permit Application No.______, and it is my information and belief that emissions from the equipment listed herein will comply with said rules and regulations."

(2.0) Rule 12. Statement by Engineer

Prior to the issuance of an Authority to Construct or Permit to Operate by the Air Pollution Control District, the applicant shall submit a statement signed by a registered professional engineer of the State of California to read as follows: "I am familiar with the Rules and Regulations of the Ventura County Air Pollution Control District and the equipment which is the subject of this application, and I certify that the equipment listed herein is capable of complying with said Rules and Regulations when operated properly."

Exist. Statement by Applicant

In addition to the application and at the time the application for a permit is made, the applicant shall submit a statement to the effect that the applicant is familiar with the rules and regulations of the Ventura County Air Pollution Control District and that it is his information and belief that the design and operation of the plant and equipment which is the subject of the application will comply with said rules and regulations.

(2.0) Rule 13. Statement by Applicant

At the time the application is made, the applicant shall submit a signed statement to read as follows: "I am familiar with the Rules and Regulations of the Ventura County Air Pollution Control District and I certify that the operation of the plant and/or equipment which is the subject of the application will comply with said Rules and Regulations."

Exist. Trial Test Runs

The applicant shall have the right to trial test run equipment prior to receipt of a permit, provided the following procedure is followed:

A. Notify the Air Pollution Control Officer of the time and place and the equipment involved in such trial test runs. This notification is to be in writing at least seven (7) days prior to such a test run.

B. Trial test runs to be limited to 24 hours in any one calendar month. The Air Pollution Control Officer has the right to be present at such trial test runs if he so desires.

C. Additional time beyond the 24 hours in any one calendar month can only be granted by the Air Pollution Control Officer or by the Hearing Board.

D. Trial test runs on any piece of equipment that has not been changed or rebuilt can be stopped at the discretion of the Air Pollution Control Officer after a total of 72 hours in any three calendar months.

(9.0) Rule 14. Trial Test Runs

The applicant shall have the right to trial test run equipment prior to application for or receipt of a Permit to Operate, provided the following procedure is followed:

A. Notify the Air Pollution Control District of the time and place and the equipment involved in such trial test runs. This notification is to be in writing and must be received by the Air Pollution Control District at least seven (7) days prior to such a test run.

B. Trial test runs to be limited to twenty-four (24) hours in any one calendar month. An Air Pollution Control District representative has the right to be present at such trial test runs if he so desires.

C. Additional time beyond the twenty-four (24) hours in any one calendar month can be granted only by the Air Pollution Control District or by the Hearing Board.

D. Trial test runs on any piece of equipment that has not been changed or rebuilt can be stopped at the discretion of the Air Pollution Control District after a total of seventy-two (72) hours in any three (3) calendar months.

Exist. Issuance of Permit

Upon receipt of the application as required by Rules 10 and 11, and the statements required in Rules 12 and 14, and upon payment of the fee as required in Rules 40 and 43, the Air Pollution Control District may issue a Permit to Operate. The Permit may be denied unless compliance with the Rules and Regulations of the District has been shown or demonstrated.

(3.0) Rule 15. Permit Issuance

A. Upon receipt of the applications and supportive data as required by Rules 10 and 11, and the statements required in Rules 12 and 13, and upon payment of the fee as required in Regulation III, the Air Pollution Control District may issue an Authority to Construct or Permit to Operate provided that no applicable State or Federal emission standards or Rules and Regulations of the District will be violated.

B. Before an Authority to Construct or a Permit to Operate is granted, the Air Pollution Control District may require the applicant to provide and maintain such facilities and instruments as are necessary for sampling and testing in order to secure or provide information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the article, machine, equipment, or other contrivance described in the Authority to Construct or Permit to Operate.

C. Should the Air Pollution Control District evaluation of the application material for an Authority to Construct show that the subject facility and/or equipment and operations is capable of operations in compliance with any applicable State and Federal emission standards or the Rules and Regulations of the District and is not expected to significantly degrade ambient air quality relative to the "Ambient Air Quality Standards," the Authority to Construct or a conditional Authority to Construct may be granted.

D. Should the Air Pollution Control District evaluation of the application material for the Permit to Operate show that the subject facility and/or equipment and operations are constructed and operated in accordance with the Authority to Construct (as in Rule 15C) and will not operate in violation of any applicable ("existing" source) State or Federal emission standards or Rules and Regulation of the District, a Permit to Operate or a conditional Permit to Operate may be issued.

Exist. Permit Contents

The Permit shall contain in part as follows: "In reliance upon the statement of a registered professional engineer or other authorized person that the emission from the equipment described herein meet the rules and regulations of the Air Pollution Control District, permission is hereby granted to operate; provided, however, the permission granted hereby shall not be construed to permit said equipment to operate so as to violate the performance standards contained in the rules of the Air Pollution Control District."

(3.0) Rule 16. Permit Contents

A. The Authority to Construct shall contain in part the following statement: "In reliance upon the statement of a registered professional engineer that the emissions from the equipment herein described are capable of complying with the Rules and Regulations of the Air Pollution Control District, authorization is hereby granted to construct; provided, however, the authorization granted hereby shall not be construed as an endorsement by the Air Pollution Control District that such equipment shall be capable of operating in conformance with the Rules and Regulations of the Ventura County Air Pollution Control District."

B. The Permit to Operate shall contain, in part, the following statement: "In reliance upon the statement of the applicant that the operation of the equipment described herein shall meet the requirements as specified in the Rules and Regulations of the Air Pollution Control District, permission is hereby granted to operate; provided, however, the permission granted hereby shall not be construed to permit said equipment to operate in violation of any applicable State or Federal emission standard or Rules and Regulations of the District."

Exist. Changes in Equipment

Information regarding any changes made to the original list of equipment shall be supplied to the Air Pollution Control Officer within 30 days after such changes.

(2.0) Rule 17. Changes in Equipment

Information regarding any changes made to facilities or equipment listed in applications for Authority to Construct and/or Permit to Operate, which may change emissions of air contaminants, except for short term adjustments or modifications, shall be supplied to the Air Pollution Control District within thirty (30) days after such changes and shall be made by written request for revision to the Authority to Construct or the Permit to Operate. Such changes shall include but are not limited to, changes in reported process weight, materials or mechanical alterations, process flow modifications and equipment changes.

Exist. Permit Application Required for Existing Equipment

Persons having equipment or facilities, the operation of which may produce any air contaminant, shall apply for a permit within ninety (90) days after adoption of this Rule. Until such a permit is granted, a copy of the application for such permit shall be maintained on the premises as per Rule 19.

A. The permit procedure shall be the same as that required for new equipment (Rule 11) except for the Test Procedure (Rule 13) and Statement by Applicant (Rule 12) which are not required.

B. A permit will be issued when Rule 14 is complied with. Owners of existing equipment shall be granted a reasonable length of time, not to exceed one (1) year from the adoption of this Rule, to secure a permit (comply with the rules and regulations of the Air Pollution Control District in accordance with Rule 14) or secure a permit and variance; provided, however, that nothing stated herein shall be construed to permit any person to violate any provision of Health & Safety Code Section 24198 et seq.

(3.0) Rule 18 Permit to Operate Application Required for Existing Equipment.

Persons having equipment or facilities, existing or under construction, not presently under permit, the operation of which may emit any air contaminant, shall apply for a Permit to Operate within 90 (ninety) days after adoption of this Rule. Until such a permit is granted, a copy of the application for such Permit shall be maintained on the premises as per Rule 19. The Permit submittal procedures shall be the same as those required for new equipment as specified in these Rules and Regulations.

Exist. Posting of Permit to Operate.

A person who has been granted a Permit to Operate any article, machine, equipment, process or other contrivance shall keep such permit in a room or office on the premises readily accessible to Air Pollution personnel from the Air Pollution Control District for inspection or examination and reasonably close to the equipment or other contrivance which is the subject of such permit.

(3.0) Rule 19. Posting of Permits.

A person who has been granted an Authority to construct or a Permit to Operate any article, machine, equipment, process or other contrivance shall keep such permit in a room or office on the premises readily accessible to inspection personnel from the Air Pollution Control District. Permits, or a facsimile thereof, shall be posted reasonably close to the equipment or other contrivance which is the subject of such permit(s).

Exist. Transfer of Permit to Operate.

The Permit to Operate shall not be transferrable by operation of law or otherwise from one location to another nor from one installation requiring a permit to another, but it may be transferred from one person to another upon payment of the required fee.

(3.0) Rule 20. Transfer of Permit.

The Authority to Construct or Permit to Operate shall not be transferrable by operation of law or otherwise from one location to another or from one installation or equipment item requiring a Permit to another, except for those items specifically noted on the Permit as being portable and/or relocatable which were previously approved for operation. Permits may be transferred from one person to another upon submittal of the appropriate application and payment of the required fee.

Exist. Cancellation of Application.

Application to receive a Permit to Operate a new plant and equipment shall expire and the application shall be cancelled two years from the date of the original request, provided, however, that the original request is renewable for two year periods upon application by the applicant prior to the cancellation of the original application. The applicant shall pay the required fee for renewal.

(3.0) Rule 21. Expiration of Applications and Permits.

A. An Authority to Construct shall expire and be cancelled if construction has not begun within one year of the date of issuance.

B. An application for Permit to Operate shall expire and the application shall be cancelled if operations have not started within one year of completion of construction. The original permit application, however, is renewable for one year periods upon application prior to the cancellation of the original permit application. The applicant shall pay the required fee for renewal.

Exist. Appeals.

Within ten days after notice by the Air Pollution Control Officer of denial of conditional approval of a Permit to Operate, the applicant may petition the Hearing Board in writing for a public hearing held within thirty days after filing the petition may sustain or reverse the action of the Air Pollution Control Officer. Such order may be made subject to specified conditions.

(2.0) Rule 22. Appeals.

Within ten (10) days after notice by the Air Pollution Control District of denial, suspension or conditional approval of an Authority to Construct or Permit to Operate, the applicant may petition the Hearing Board in writing for a public hearing. The Hearing Board after notice and a public hearing held in accordance with these Regulations and within thirty (30) days after filing the petition may sustain or reverse the action of the Air Pollution Control District. Such order may be made subject to specified conditions.

(3.0) Rule 23. Exemptions From Permit.

The following operations, equipment or emission sources are exempt from requiring a Permit but must comply with emission standards and prohibitions except as exempted in Rule 24. The applicant shall provide calculations and/or operational data as necessary to substantiate any exceptions which apply to the subject facility and as may be required by the District to substantiate such exemption.

A. Burning, Incineration, Smoke.

1. Open outdoor fires used only for recreational purposes, heating or occasional cooking of food for human consumption, where such use is accomplished in a fireplace or barbecue pit.

2. Smoke generators which are intentionally operated for purposes of training observers in observing the shade or opacity of emissions.

3. Acceptable incincerators used exclusively in connection with any structure designed and used exclusively as a residential dwelling for not more than four (4) families.

B. Dust.

1. Material stock piles.

2. Blasting with explosives.

3. Mobil equipment which is used solely for the movement of solid materials.

4. Equipment used for buffing (except automatic or semi-automatic tire buffers), polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, asbestos, carbon or graphite.

5. Equipment used for carving, cutting, drilling, surface grinding, planning, routing, sanding, sawing, shredding turning of wood or paper, or the pressing or storing of sawdust, wood chips or wood shavings.

6. Blast cleaning equipment using a suspension of abrasive in water.

7. Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.

8. Batch mixers of 5 cubic feet rated working capacity or less.

9. Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

10. Lint traps used exclusively in conjunction with dry cleaning tumblers.

11. Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.

C. Heaters, Boilers.

1. Space heating and heat transfer equipment exclusively using natural gas or liquefied petroleum gas fuel and rated at less than one million BTU's per hour.

2. Equipment used exclusively for steam cleaning.

3. Natural draft hoods, natural draft stacks or natural draft ventilators.

D. Vehicles, Engines.

1. Aircraft and vehicles as defined by the Vehicle Code of the State of California, and the filling of fuel tanks attached to such equipment but not including any equipment mounted on such vehicle that would otherwise come under the jurisdiction of these Rules and Regulations.

2. Any non-mobile internal combustion engine of 750 Brake Horsepower or less using natural gas or liquefied petroleum gas as its sole source of fuel.

3. Vehicles used to transport passengers or freight.

4. Self-powered vehicular mounted concrete mixing units.

E. Food Preparation, Processing, Household.

1. Equipment used in connection with any structure designed and used exclusively as a residential dwelling.

2. Equipment and processing plant equipment used exclusively and directly for the purpose of preparing food for human consumption where no organic solvents are used.

3. Vacuum cleaning systems used exclusively for industrial, commercial, institutional or residential housekeeping purposes.

4. Comfort air conditioning or ventilating systems which are not designed to remove air contaminants generated by or released from specific units of equipment.

5. Refrigeration units except those used as, or in conjunction with, air pollution control operations.

F. Storage and Loading of Liquids and Gases, Organic Gas Emissions.

1. Any equipment which emits less than 20 pounds per day of organic gases.

2. Storage in or loading into any tank having a capacity of 250 gallons or less which was installed prior to the date of adoption of this Rule (May 23, 1972).

3. Equipment for loading and storing of an organic liquid into any stationary storage tank having a capability of holding 250 gallons or less.

4. Equipment for loading of organic liquid into transportable containers of 100 gallons or less.

5. Equipment for loading of a maximum of 500 gallons per calendar day or less of organic liquid into transportable containers.

6. Containers for the storage of unheated asphalt.

7. Unheated solvent dispensing containers, unheated non-conveyorized solvent rinsing containers, or unheated nonconveyorized coating dip tank of 100 gallons capacity or less.

8. Equipment for melting and applying coatings of oils, waxes, greases, resins, and like substances where no reactive organic solvents, diluents or thinners are used.

9. Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes or the manufacture of waterbased adhesives or waterbased paints.

10. Equipment directly and exclusively used for producing and gathering crude oil.

11. Equipment used to compress, store, liquify or separate gases from the air or to compress or store natural hydrocarbon gases, other than engines.

12. Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in paste form.

G. Experimental Operations.

Bench scale experimental or research operations and equipment used exclusively for investigation, experimentation or research to advance the state of air pollution control knowledge or to improve techniques provided, however, the Air Pollution Control Officer has given express prior approval which shall include limitation of time.

H. Plastics and Rubber.

1. Presses used for the curing of rubber products and plastic products.

2. Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics.

3. Equipment used for compression molding or injection molding of plastics.

4. Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.

5. Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.

6. Roll mills or calender for rubber or plastics where no organic solvents, diluents or thinners are used.

7. Ovens used exclusively for curing potting materials or castings made with epoxy resins.

8. Equipment used exclusively for conveying and storing plastic pellets.

I. Metals and Ceramics.

1. Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces or vitreous enameling drying ovens of one million BTU's per hour or less heat input.

2. Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof of one million BTU's per hour or less heat input.
3. Equipment used exclusively for heat treating or sintering glass or metals or for case hardening metals of one million BTU's per hour or less heat input.
4. Presses used exclusively for extruding metals, minerals, plastics or wood where no heat is applied.
5. Equipment used for hydraulic or hydrostatic testing.
6. Equipment used for inspection of metal products.
7. Brazing, soldering or welding equipment.
8. Molds used for the casting of metals.
9. Equipment using dilute aqueous solutions for surface preparation, cleaning stripping, etching (does not include chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron, lead, nickel, tin, and zinc.
10. Equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned.
11. Crucible furnaces, pot furnaces, or induction furnaces, with a capacity of 1000 pounds or less each with fail-safe temperature controllers preventing vapor boil-off, in which no sweating or distilling is conducted and from which only the following metals are poured or in which only the following metals are held in a molten state:
    a. Aluminum or any alloy containing over 50 percent aluminum.
    b. Magnesium or any alloy containing over 50 percent magnesium.
    c. Lead or any alloy containing over 50 percent lead.
    d. Tin or any alloy containing over 50 percent tin.
    e. Zinc or any alloy containing over 50 percent zinc.

    f. Copper.

    g. Precious metals.

12. Crucible type or pot type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.

J. Miscellaneous.

1. Laboratory equipment used exclusively for chemical or physical analyses or experiments.

2. Vacuum producing devices in laboratory operations or in connection with other equipment which is exempt by this rule.

3. All sheet-fed printing presses without dryers and all other printing presses without dryers using exclusively inks containing less than 10% organic solvents, diluents or thinners.

4. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

5. Equipment used exclusively to package pharmaceuticals or cosmetics or to coat pharmaceutical tablets.

6. Shell-core and shell-mold manufacturing machines.

7. Die casting machines.

8. Equipment used exclusively for bonding lining to brake shoes.

9. Valves and flanges.

10. Cooling towers and ponds.

11. Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents, thinners or sulfur compounds are used.

12. Any article, machine, equipment, contrivance or their exhaust systems, the discharge from which contains airborne radioactive materials and which is emitted into the atmosphere in concentrations above the natural radioactive background concentration in air. "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, smoke, mists, liquids, vapors or gases.

Atomic energy development and radiation protection are controlled by the State of California to the extent it has jurisdiction thereof, in accordance with the advice and recommendations made to the Governor by the Advisory Council on Atomic Energy Development and Radiation Protection. Such development and protection are fully regulated by the United States Atomic Energy Commission to the extent that such authority has not been delegated to the states.

13. Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a Permit to Operate had previously been grated for such equipment.

(2.0) Rule 24. Exemptions from Emission Standards.

The following operations, equipment or emissions are exempt from emission standards and prohibitions:

A. Exempt from Rule 50 (Opacity)

1. Smoke from fires permitted under Rule 56.

2. Smoke from fires set pursuant to Permit for Open Burning issued by the Air Pollution Control Officer or Fire Protection Agency.

3. Agricultural operations in the growing of crops, or raising of fowl, or animals.

4. The use of an orchard heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

5. The use of other equipment in agricultural operations in the growing of crops, or raising of fowl or animals.

6. Orchard heaters purchased before October 22, 1968 which produce greater than one (1) gram per minute unconsumed solid carbonaceous matter and remain in use under Rule 84 until March 9, 1973.

7. Source emissions when the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of Rule 50. The burden of proof which establishes the application of Rule 50 shall be upon the person seeking to come within its provisions.

B. Exempt from Rule 51 (Nuisance) - as per California Health & Safety Code Section 24251.1.

1. Odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

(3.0) Rule 25. Action on Applications.

The Air Pollution Control District shall act within 60 days, after receipt of all required information, on an application for Authority to Construct or Permit to Operate and shall notify the applicant in writing of the approval, conditional approval, or denial.

(3.0) Rule 26. Denial of Permits.

A. The Air Pollution Control District shall deny an Authority to Construct or Permit to Operate if the applicant does not show to the satisfaction of the Air Pollution Control District that every facility including every article, machine, equipment or other contrivance the use of which may cause the issuance of air contaminants, or the use of which may not eliminate, reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of any applicable State or Federal standard of the Rules and Regulations of the District. Also, the Authority to Construct shall be denied should the subject facility and/or equipment and operations be expected to result in emissions of air contaminants which will significantly degrade ambient air quality relative to the "Air Quality Standards".

B. In acting upon a Permit to Operate, if the Air Pollution Control District finds that the facility, article, machine, equipment or other contrivance has been constructed not in general accordance with the plans or drawings submitted in the application or revision to the Authority to Construct, the Permit to Operate may be denied. The Air Pollution Control District shall not be required to accept any further application for Permit to Operate the facility, article, machine, equipment or other contrivance so constructed until the facility, article, machine, equipment or other contrivance has been reconstructed or modified in accordance with the Authority to Construct.

C. In the event of denial of an Authority to Construct or Permit to Operate, the Air Pollution Control District shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be substantiated by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control District shall not be required to accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control District as their reasons for denial of the Authority to Construct or Permit to Operate.

C. In the event of denial of an Authority to Construct or Permit to Operate, the Air Pollution Control District shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be substantiated by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control District shall not be required to accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control District as their reasons for denial of the Authority to Construct or Permit to Operate.

(3.0) Rule 27. Suspension of Permits.

A. If the holder of any permits provided by the Rules or Regulations of the Ventura County Air Pollution Control District willfully falsifies or within a reasonable time refuses to furnish information, analyses, plans, or specifications requested by the Air Pollution Control District, the Air Pollution Control District may suspend the permit. Notice in writing shall be served on the permittee informing him of such suspension and reasons therefor.

B. The Air Pollution Control District shall reinstate a suspended permit when all information, analyses, plans, and specifications or other items as called for in the written notice of suspension are furnished, to the satisfaction of the District, or when, in the opinion of the District, good reasons exist therefor.

C. Every permittee who willfully fails or neglects to furnish information, analyses, plans, or specifications required by the Air Pollution Control District is guilty of a misdemeanor. (Health & Safety Code Section 24282).

(3.0) Rule 28. Revocation of Permits.

If the holder of any permit provided for by the Rules and Regulations of the Ventura County Air Pollution Control District violates any Rules or Regulations of the District, the Air Pollution Control Officer may request the Hearing Board to hold a public hearing to determine whether the permit should be revoked. Notice in writing shall be served on the permittee by mail informing him of such action and reasons therefor.

(3.0) Rule 29. Conditions on Permits.

The Air Pollution Control District may apply any reasonable conditions to an Authority to Construct or a Permit to Operate necessary to assure and/or demonstrate that any article, machine, equipment or other contrivance operated within all applicable State and Federal Emission Standards and the Rules and Regulations of the District. Such conditions shall be specified in writing. Appeals to conditions may be made in accordance with Rule 22.

(3.0) Rule 30. Permit Renewal.

Persons holding a Permit to Operate shall verify and update application information in writing within 45 days of notification at three (3) year intervals following Permit issuance. In addition, Permit renewal application shall be required within 45 days upon Air Pollution Control District identification of unreported changes in the facility, equipment or operation as required in Rule 17.

Upon receipt of application materials, payment of fees as described in Regulation III, and after verification of continuing compliance, a revised Permit to Operate may be issued.

(14.0) Rule 31. Public Disclosure of Data.

Pursuant to Government Code Section 6254.7, emission data reported by source owners or operators, or otherwise obtained by State or local agencies shall be available to the public as provided for in Regulation IX - Public Records. The data shall be so presented as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under the applicable emission limitations or other measures.

(7.0) Rule 32. Upset Conditions, Breakdown or Scheduled Maintenance

Emissions exceeding any of the limits established in these Rules and Regulations as a direct result of unavoidable upset conditions in or breakdown of any air pollution control equipment, fuel source or related operating equipment, or as a direct result of the shutdown of such equipment for scheduled maintenance, shall not be deemed to be a violation of the Rules establishing such limits, provided that:

A. Such occurrence shall have been reported to the Air Pollution Control District as soon as reasonably possible; for scheduled maintenance, such report shall be submitted at least 48 hours prior to shutdown, and for upset conditions or breakdown, such report shall in any case be made within 24 hours of the occurrence or four (4) hours after the start of the next normal business day.

B. This Rule shall not apply to scheduled maintenance of air pollution control equipment except in those cases where the maximum reasonable effort, including off-shift labor where required has been made to accomplish such maintenance during period of non-operation of any related source operations.

C. The person responsible for such emissions shall, with all practicable speed, initiate and complete appropriate feasible action to correct the conditions causing such emissions to exceed the said limits; to reduce the frequency of occurrence of such conditions; to minimize the amounts by which said limits are exceeded; and to reduce the length of time which said limits are exceeded, and shall, upon request of the Air Pollution Control District, submit a full report of such occurrence in writing, including a statement of all known causes and of the scheduling and nature of the actions to be taken pursuant to this Rule 32.

D. This Rule in no way shall be construed as an endorsement by the Air Pollution Control District for operations to continue or repeatedly occur which are in violation of any statutes of the Health and Safety Code or these Rules and Regulations of the Air Pollution Control District.

(2.0) Rule 33. Separation of Emissions.

If air contaminants from a single source operation are emitted thorugh two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point.

(2.0) Rule 34. Combination of Emissions.

A. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible for confirmation and use by the Air Pollution Control District in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, the Rules and Regulations shall apply to each such source operation separately.

B. If air contaminants from two or more source operations are combined prior to emission and the combined emissions cannot be separated according to the requirements of Rule 34A, the Rules and Regulations shall be applied to the combined emissions as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations on any of the source operations whose air contaminants are so combined.

(2.0) Rule 35. Severability.

If any provision, clause, sentence, paragraph, section or part of these Regulations or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Regulation and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part therefore directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Ventura County Air Pollution Control Board that this Regulation would have been adopted in any case had such invalid provision or provisions not be included.

(2.0) Rule 36. Circumvention

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in an actual reduction in the total release of air contaminants to the atmosphere, superficially reduces or conceals an emission which would otherwise constitute a violation of Division 26 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California, or of Rule 51 of these Rules and Regulations.

(13.0) Rule 37. Source Recordkeeping and Reporting

The owner or operator of any stationary source, shall, upon notification from the District, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the District to determine whether such source is in compliance with applicable emission limitations or other control measures.

The information recorded shall be summarized and reported to the District, on forms or format as furnished by the District, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1 - December 31, except that the initial reporting period shall commence on the date the District issues notification of the recordkeeping requirements.

Information reported by the owner or operator and copies of the summarizing reports submitted to the District shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted. (Adopted 10/31/72)

REGULATION III FEES

(3.0) Rule 40. Permit Fees

A. Permit fees shall be assessed at the time of permit issuance. For facilities or equipment that require both an Authority to Construct and a Permit to Operate, the equipment fees shall be submitted prior to Authority to Construct issuance, and shall be based upon the design information.

B. Additional equipment fees shall be assessed upon submittal of any changes pursuant to Rules 10 or 17 prior to issuance of a revised permit. No refunds will be made for equipment or systems changed or not installed after the permit is issued.

(16.0) Rule 41. Hearing Board Fees

A. Every applicant or petitioner for a variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial of a Permit to Operate, except any State or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee in the sum of $100.00 which sum represents the cost of administration of Article 2, Chapter 4, Part 4, Division 26, Health and Safety Code, or Rule 22 of these Rules and Regulations.

B. In the event judicial review is initiated pursuant to Section 40864 of the Health and Safety Code, the Hearing Board shall prepare the record of the proceedings upon the advance payment of the fee specified in Section 69950 of the Government Code. In all other cases, any person desiring a record of the proceedings shall make arrangements for a shorthand reporter and shall pay the reporter and any other costs to prepare such record.

C. This rule shall not apply to petitions filed by the Air Pollution Control Officer.

(2.0) Rule 42. Schedule of Fees

Every applicant, except any State or local government agency or public district, who files an application with the Air Pollution Control Officer for any article, machine, equipment, or other contrivance for which a Permit to Operate is required be State Law or the Rules and Regulations of the Air Pollution Control District, shall pay a fee for the issuance of a permit in an amount specified in the following schedule:

A. Permit Fee

For each Authority to Construct application submitted and for each Permit to Operate application submitted, for which no Authority to Construct is required, an applicant shall pay a filing fee of \$100.00 (except for Orchard Heaters for which the filing fee is \$10.00) plus any additional equipment fee as specified in the following schedules:

Schedule 1 - Fuel Burning Equipment Schedule

Any article, machine, equipment or other contrivance in which fuel is burned, with the exception of incinerators which are covered in Schedule 2, internal combustion engines which are covered in Schedule 6, and orchard heaters which are covered in Schedule 4, shall be assessed an equipment fee based upon the design fuel consumption rate of the article, machine, equipment or other contrivance expressed in British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following:

$$\$ = a \quad (100 + 1000\ (x)^{1.1})$$

Where x is in billions of BTU's/hr.

a is "1" for natural gas fired units and "2" for combination or oil fired units.

Schedule 2 - Incinerator Schedule

Any article, machine, equipment or other contrivance designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residues shall be assessed an equipment fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber.

$$\$ = 50\ (x)$$

Where x is the primary chamber area in square feet.

Schedule 3 - Stationary Container Schedule

Any stationary tank, reservoir, or other container shall be assessed an equipment fee based on the following schedule:

For each fixed roof tank without vapor recovery or an evaporative control system...$50.

For each tank equipped with a floating roof or other types of evaporative control systems that do not require on site pumps, compressors, refrigeration or absorption systems...$100.

For each tank with a vapor recovery or evaporative control system that does not fall into the above categories...$200.

Schedule 4 - Orchard Heaters

Orchard Heater permit fees will include a $10.00 filing fee plus $0.10 per heated acre.

Schedule 5 - Miscellaneous Schedule

Any article, machine, equipment or other contrivance which is not included in the preceding schedules shall be assessed an equipment fee of $100.00 per item.

Schedule 6 - Internal Combustion Engines

Internal combustion engines shall be assessed an equipment fee based on their maximum brake horsepower rating in accordance with the following formula:

$$\$ = 100 + \frac{(x-500)}{(4)}^{1.1}$$

Where x is maximum brake horsepower design rating

Schedule 7 - Air Quality Impact Review

Sources or facilities whose emissions are such to require evaluation under Rule 26B shall, in addition to the above applicable schedules, pay a fee of $1000.

Schedule 8 - Recertification Schedule

For every inspection for a recertification, the Permit to Operate holder shall be assessed:

$100 plus $5 per permit item

Schedule 9 - Special Provisions

1. An applicant may, if the estimated equipment fees for a facility are expected to exceed $500, elect

that the permit fee be based on the actual hours spent by the District's engineers in evaluating his application and verification of equipment compliance. This time shall be assessed at the rate of $20.00 per hour. This option must be selected when the application is submitted.

2. Fees for additional identical equipment (including installation, controls, use, and operating schedules) shall be based on Schedule 5, the miscellaneous schedule.

B. Permit Revision Fee

A person seeking the revision of a Permit to Operate pursuant to Rule 30 shall pay a fee equal to one-fourth of the fee based on the fee schedule in Rule 42A above.

C. Duplicate Permit Fee

A request for a duplicate Permit to Operate shall be made in writing to the Air Pollution Control Officer within ten (10) days after the destruction, loss, or defacement of a permit. The fee for issuance of a duplicate permit shall be $5.00.

D. Permit Transfer Fee

A person to whom a permit is transferred pursuant to Rule 20 shall pay a fee of $10.00.

E. Application Renewal (reactivation)

A person seeking the renewal (reactivation) of an application pursuant to Rule 21 shall pay a fee of $10.00.

F. Added Equipment

A person adding equipment pursuant to Rule 17 shall pay a fee for such added equipment in accordance with the provisions of Rule 42A. (This includes the filing fee.)

G. Permit Issued With a Variance

In the event that a variance is granted by the Hearing Board, the applicant shall pay the fees specified in this Rule at the time of issuance of the variance; provided that the applicant had not paid a permit fee at a prior time for the article, machine, equipment, or other contrivance which was the subject of the variance.

H. Cost of Issuing Permits

The Air Pollution Control Board declares that the schedule of fees contained in this Rule does not exceed the estimated cost of issuing such permits and inspection pertaining to the issuance of such permits.

(13.0) Rule 43. Technical Reports - Charges For

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District when requested shall not exceed the cost of preparation and distribution of such documents.

EMISSIONS REGULATIONS

REGULATION IV. PROHIBITIONS.

Exist. Opacity.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminants for a period or periods aggregating more than three minutes in any one hour which is:

A. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or,

B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (A) of this Rule.

Note 1. The Air Pollution Control Officer will from time to time prepare and distribute statements of practice for administering Rule 50. Such statements are not adopted by the Air Pollution Control Board as part of this rule. They are guides to staff activity and are intended to be helpful guides to the public.

Note 2. Water mist alone is not a "noxious mist" and therefore is not an "air contaminant".

Note 3. Refer to "District Staff Practices on Wet Plumes," Appendix E.

(50.1.2) Rule 50. Opacity.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminants for a period or periods aggregating more than three (3) minutes in any one (1) hour which are:

1. As dark or darker in shade as that deisgnated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or,

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (1) of this Rule.

Note 1. Water mist alone is not a "noxious mist" and therefore is not a "air contaminant".

Note 2. The Air Pollution Control District will, from time to time, p and distribute statements of practice for administering Rule Such statements are not adopted by the Air Pollution Control as part of this Rule. They are guides to staff activity an are intended to be helpful guides to the public.

This Rule shall be effective on January 1, 1974 for all existing equipment.

(50.7) Rule 51. Nuisance. (No Change)

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Exist. Particulate Matter - General.

Except as otherwise provided in Rules 53 and 54, a person shall not discharge into the atmosphere from any source particulate matter in excess of 0.3 grain per cubic foot of gas at standard conditions.

(50.1) Rule 52. Particulate Matter - Concentration.

A person shall not discharge into the atmosphere from any source particulate matter in excess of the concentration shown in the following table: (See Rule 52 Table).

Where the volume discharged falls between figures listed in the Table, the exact concentration permitted to be discharged shall be determined by linear interpolation.

The provisions of this Rule shall not apply to emissions resulting from the combustion of liquid or gaseous fuels in steam generators or gas turbines.

For the purpose of this Rule "particulate matter" includes any material which would become particulate matter if cooled to standard conditions.

This Rule shall be effective on January 1, 1974 for all existing equipment.

TABLE FOR RULE 52

VOLUME DISCHARGED- CUBIC FEET PER MINUTE CALCULATED AS DRY GAS AT STANDARD CONDITIONS	MAXIMUM CONCENTRATION OF PARTICULATE MATTER ALLOWED IN DISCHARGED GAS - GRAINS PER CUBIC FOOT OF DRY GAS AT STANDARD CONDITIONS	VOLUME DISCHARGED CUBIC FEET PER MINUTE CALCULATED AS DRY GAS AT STANDARD CONDITIONS	MAXIMUM CONCENTRATION OF PARTICULATE MATTER ALLOWED IN DISCHARGED GAS - GRAINS PER CUBIC FOOT OF DRY GAS AT STANDARD CONDITIONS
1000 or less	0.200	20000	0.0635
1200	.187	30000	.0544
1400	.176	40000	.0487
1600	.167	50000	.0447
1800	.160	60000	.0417
2000	.153	70000	.0393
2500	.141	80000	.0374
3000	.131	100000	.0343
3500	.124	200000	.0263
4000	.118	400000	.0202
5000	.108	600000	.0173
6000	.101	800000	.0155
7000	.0949	1000000	.0142
8000	.0902	1500000	.0122
10000	.0828	200000	.0109
15000	.0709	250000 or more	.0100

Exist. Particulate Matter - Specific.

A person shall not discharge into the atmosphere in any one hour from any source whatsoever particulate matter in total quantities in excess of the amount shown in Table 1.

TABLE 1

Process wt. rate (lbs/hr)	Maximum Weight Disch/hr (lbs)
100	.55
200	.87
300	1.20
400	1.50
500	1.77
600	2.01
700	2.24
800	2.43
900	2.62
1000	2.80
1100	2.97
1200	3.12
1300	3.26
1400	3.40
1500	3.54
1600	3.66
1700	3.79
1800	3.91
1900	4.03
2000	4.14
2200	4.34
2500	4.76
3000	5.38
3500	5.96
4000	6.52
5000	7.58
6000	8.56
7000	9.49
8000	10.40
9000	11.20
10000	12.00
11000	12.80
12000	13.60
13000	14.30
14000	15.00
15000	15.70
16000	16.50
17000	17.30
18000	17.90
20000	19.20
30000	25.20
40000	30.50
50000	35.40
60000	40.00
70000	41.30
80000	42.50
90000	43.60
100000	44.60
120000	46.30
140000	47.80
160000	49.00
180000	50.10
200000	51.20
1000000	69.00
2000000	77.60
3000000	81.30
4000000	85.00
5000000	88.84
6000000	92.70

(50.1.1) Rule 53. Particulate Matter - Process Weight.

A person shall not discharge into the atmosphere from any source whatsoever, solid particulate matter, including lead and lead compounds, in excess of the rate shown in the following table (Rule 53 Table).

Where the process weight per hour falls between the figures listed in the table, the exact weight of the permitted discharge shall be determined by linear interpolation.

This Rule shall be effective on January 1, 1974 for all existing equipment.

TABLE FOR RULE 53

PROCESS WEIGHT PER HOUR -- POUNDS PER HOUR	MAXIMUM DISCHARGE RATE ALLOWED FOR SOLID PARTICULATE MATTER (AGGREGATE DISCHARGED FROM ALL POINTS OF PROCESS) - - POUNDS PER HOUR	PROCESS WEIGHT PER HOUR - - POUNDS PER HOUR	MAXIMUM DISCHARGE RATE ALLOWED FOR SOLID PARTICULATE MATTER (AGGREGATE DISCHARGED FROM ALL POINTS OF PROCESS) - - POUNDS PER HOUR
250 or less	1.00	12000	10.4
300	1.12	14000	10.8
350	1.23	16000	11.2
400	1.34	18000	11.5
450	1.44	20000	11.8
500	1.54	25000	12.4
600	1.73	30000	13.0
700	1.90	35000	13.5
800	2.07	40000	13.9
900	2.22	45000	14.3
1000	2.38	50000	14.7
1200	2.66	60000	15.3
1400	2.93	70000	15.9
1600	3.19	80000	16.4
1800	3.43	90000	16.9
2000	3.66	100000	17.3
2500	4.21	120000	18.1
3000	4.72	140000	18.8
3500	5.19	160000	19.4
4000	5.64	180000	19.9
4500	6.07	200000	20.4
5000	6.49	250000	21.6
5500	6.89	300000	22.5
6000	7.27	350000	23.4
6500	7.64	400000	24.1
7000	8.00	450000	24.8
7500	8.36	500000	25.4
8000	8.70	600000	26.6
8500	9.04	700000	27.6
9000	9.36	800000	28.4
9500	9.68	900000	29.3
10000	10.00	1000000 or more	30.0

Exist. Specific Contaminants.

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

A. Sulfur compounds calculated as sulfur dioxide (SO_2) exceeding 0.2 percent, by volume, at the point of discharge. For purposes of this rule, all sulfur present in gaseous compounds containing oxygen shall be deemed to be present as sulfur dioxide. Tests for determining compliance with this rule shall be for not less than 15 consecutive minutes or 90% of the time of actual source operation, whichever is less.

B. Sulfur dioxide which results in ground level concentrations in excess of the amounts shown in the following table:

Concentration	Averaging Time	Frequency
0.5 ppm (vol.)	1 hour	Once/4 days
0.10 ppm (vol.)	24 hours	Once/90 days

Sampling for measurement shall be no closer to the source of emission than the property line of the facility containing such source operation.

C. Combustion Contaminants: 0.3 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2, wet basis) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(50.2) Rule 54. Sulfur Compounds.

A person shall not discharge into the atmosphere from any source whatsoever, sulfur compounds which would exist as a liquid or gas at standard conditions, in excess of the concentrations listed below.

A. Sulfur compounds calculated as sulfur dioxide (SO_2) by volume at the point of discharge:

1. Exceeding 300 ppm by volume from any combustion operation; or
2. Exceeding 500 ppm by volume from any other operation.

B. Sulfur dioxide (SO_2) which results in average ground level concentrations at any point at or beyond the property line in excess of the amounts shown in the following table:

Concentration	Averaging Time
0.5 ppm (Vol)	1 hour
0.04 ppm (Vol)	24 hours

C. Hydrogen sulfide (H_2S) exceeding 10 ppm, by volume, at the point of discharge.

D. Hydrogen sulfide (H_2S) which results in average ground level concentrations at any point at or beyond the property line in excess of the amounts shown in the following table:

Concentration	Averaging Time
0.06 ppm	3 min.
0.03 ppm	1 hr.

For purposes of this Rule, all sulfur present in gaseous compounds containing oxygen shall be calculated as sulfur dioxide (SO_2). This Rule shall be effective on January 1, 1974 for all existing equipment.

Exist. Organic Gases.

A. Filling Storage Tanks.

Organic gas emissions from a stationary storage tank of equal to or less than 1,000 barrels capacity and containing organic liquids with a vapor pressure greater than 1.5 pounds per square inch absolute pressure under actual storage conditions, and a head space reactivity greater than 5% shall not exceed that rate at which organic gases would be emitted if the tank were filled through a submerged fill pipe.

B. Filling Transportable Containers.

Organic gas emissions from a facility loading organic liquids with a Reid vapor pressure greater than 4 and a head space reactivity greater than 5% into transportable containers larger than 100 gallons capacity shall not exceed that amount which would be emitted if the containers were filled through a submerged fill pipe.

C. Storage of Organic Liquids - 1.5-11.0 Pounds Per Square Inch Absolute Vapor Pressure.

Organic gas emissions from a stationary storage tank which has a storage capacity greater than 1,000 barrels, and which contains organic liquid having a vapor pressure under actual storage conditions greater than 1.5 pounds per square inch absolute pressure but equal to or less than 11 pounds per square inch absolute pressure and a head space reactivity greater than 5% shall not exceed that amount of organic gas emission which the same tank, containing the same organic liquid, would emit if equipped with a floating roof in good condition.

D. Storage of Organic Liquids - Greater than 11.0 Pounds Per Square Inch Absolute Vapor Pressure.

Organic gas emissions from a stationary storage tank which has a storage capacity greater than 1,000 barrels and which contains organic liquid having a vapor pressure under actual storage conditions greater than 11.0 pounds per square inch absolute pressure and a head space reactivity greater than 5% shall not exceed that amount of organic gas emission which the same tank, containing the same organic liquid, would emit if it were storing an organic liquid of 11.0 pounds per square inch absolute vapor pressure and were equipped with a floating roof in good condition.

E. Oil-Water Separator.

Organic gas emissions, calculated as a liquid, from an oil-water separator processing more than 200 gallons per calendar day or organic liquid having a temperature of 401 degrees fahrenheit or less at the 10% point recovered when distilled by American Society for Testing and Materials Method D86-56, and having a head space reactivity greater than 5%, shall not exceed 0.2% of the volume of organic liquid recovered by the oil-water separator.

(51.16) Rule 55. Storage of Organic Liquid - Petroleum Products

A person shall not store or hold organic liquid in any stationary tank, reservoir or other container:

A. Which has more than 40,000 gallons capacity of any petroleum distillate, except gasoline, having a storage vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, or;

B. Which has more than 250 gallons capacity of gasoline; unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

1. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

2. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

3. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control District.

For the purpose of this Rule a "submerged fill" will be deemed as an acceptable vapor loss control device for underground gasoline tanks of 20,000 gallons capacity or less and all existing above ground gasoline storage tanks of 40,000 gallons or less.

This Rule shall be effective on January 1, 1974 for all existing equipment.

(51.13) Rule 56. Open Fires.

A person shall not burn any combustible refuse in any open outdoor fire.

A. The following exceptions shall apply, pursuant to permit only:

1. When such fire is set or permission for such fire is given by the Air Pollution Control Officer, and such fire, in the opinion of the Officer is necessary:

    a. For the prevention or elimination of a hazard, pursuant to permit, which cannot be abated by any other means, or

    b. For the instruction of public employees in the methods of fighting fire or when such fire is set, pursuant to permit, on industrial, commercial, or institutional property for the purpose of instruction of employees in methods of fighting fire, or

    c. In pursuit of "Agricultural Operations", pursuant to permit, for the disposal of "Agricultural Wastes" as defined in Rule 2 and in accordance with the following conditions in the vicinity of the intended burning project.

B. The exceptions set forth above must be conducted in accordance with the following conditions in the vicinity of the intended burning project:

1. The Ventura County Air Pollution Control District advises, through the area fire protection agencies, that a "burn day" is forecast when the meteorological conditions "a" and "c" or "b" and "c" are met and the State Air Resources Board declares a "burn day" for the Basin.

    Meteorological Conditions:

    a. The height of the inversion base at 4:00 a.m. is over 1500 feet above mean ground level as measured by the Air Resources Board approved South Coast Air Basin weather station or as indicated by other appropriate data utilized by the Air Pollution Control District.

    b. The expected or measured maximum depth of the mixing layer (height of the inversion base) during the day is 3500 feet or higher above mean ground level.

c. The expected or measured mean surface wind speed between 6:00 a.m. and noon is 5 miles per hour or greater in the vicinity of the intended burning project.

2. The Ventura County Air Pollution Control District and the area fire protection agencies concur that the following conditions exist:

   a. The material to be burned is:

      (1) Free of other wastes such as tires, rubbish, tar paper, plastics, construction debris, paper, oily waste materials, feathers, animal fur, diseased or dead animals, organic fertilizer, and non-combustible containers.

      (2) Stacked or arranged to allow for maximum air circulation and minimum smoke production while burning;

      (3) Free of dirt, soil and visible surface moisture;

      (4) Allowed to become sufficiently dry to allow for maximum conbustion efficiency.

      The following are minimum drying times:

Material	Drying Time
Trees or branches exceeding three inches in diameter	4 weeks
Prunings and small branches three inches or less in diameter	2 weeks
Field Crop Wastes	1 week
Other	Adequate dryness (to be evaluated by inspection)

b. The burning shall be confined to daylight hours and additional material shall not be added after noon.

c. The wind speed and direction in the vicinity of the burning project will not carry emissions into populated areas.

d. The burning of any combustible containers for pesticides or other chemicals that are emptied in the field by the farmer or his agent shall meet the criteria approved by the Air Pollution Control District.

e. The materials to be burned shall be ignited only by those devices approved by the Air Pollution Control Officer. These devices shall be sources of "clean flame" such as propane fueled devices. Tires, tar paper, plastics, oils and other similar materials shall not be used for ignition purposes.

f. The total amount of material to be burned each day shall be regulated according to criteria approved by the Air Polluiton Control District.

3. The following additional conditions apply to range improvement burning:

   a. The material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions.

   b. The material to be burned shall be brush treated at least six (6) months prior to the burn if economically and technically feasible.

   c. For burns primarily for improvement of land for wildlife and game habitat, the applicant shall file with the District a statement from the Department of Fish and Game certifying that the burn is desirable and proper.

4. The following additional conditions apply to forest management burning:

   a. The waste shall be ignited as rapidly as practicable within applicable fire control restrictions.

b. Waste to be burned shall be windrowed or piled where possible, unless good silvicultural practice dictates otherwise, and to be dried or otherwise prepared so that it will burn with a minimum of smoke and other emission of air contaminants.

C. Permits granted for these exceptions under "A" of this Rule shall not be valid on those calendar days and/or in those areas for which the Air Pollution Control District or State Air Resources Board declared a "No Burn Day" or a "Ban", i.e., determines that adverse meteorological or air quality conditions exist or are likely to exist wherein ambient air concentrations of pollutants exceed or are expected to exceed adopted Federal and/or State air quality standards.

D. Permits for setting and maintaining open fires for the above purposes exempted from Rule 56, are required and are obtained from the fire protection agency having jurisdiction in the area. All open burning shall be in conformance with the above conditions and any other conditions prescribed or improved by the fire protection ordinances of that agency. However, no permit is required when an open fire is set or permitted by an authorized public orricer under emergency conditions.

(51.9) Rule 57. Combustion Contaminants - Specific

A. Disposal of Solid and Liquid Wastes - Incineration

1. A person shall not discharge into the atmosphere from any equipment whatsoever, used to dispose of or to process combustible refuse, except as provided in subsection (2) of this rule, particulate matter in excess of 0.08 grains per cubic foot, maximum 2 hour average, of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

2. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having burning rates of 200 pounds per hour or less, particulate matter in excess of 0.2 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions and shall not discharge particles which are individually large enough to be visible while suspended in the

atmosphere. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

3. A person shall not use any incinerator article, machine, equipment or other contrivance for the disposal of combustible refuse by burning unless all gases, vapors and gas entrained effluents from such an incinerator article, machine, equipment or other contrivance are incinerated at temperatures of not less than 860 degrees Celsius (1600 degrees Fahrenheit) for a period of not less than 0.4 seconds.

B. Fuel Burning Equipment.

A person shall not discharge into the atmosphere from any fuel burning equipment combustion contaminants exceeding in concentration at the point of discharge, 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions.

This Rule shall be effective on January 1, 1974 for all existing equipment.

Exist. Reduction of Animal Matter.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, except processing of food for human consumption, unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

A. Incinerated at temperatures of not less than 1300 degrees Fahrenheit for a period of not less than 0.4 second, or

B. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (A) above.

(51.21) Rule 58. Reduction of Animal Matter.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, except processing of food for human consumption, unless all gases, vapors and gas entrained effluents from such an article, machine, equipment or other contrivance are:

A. Incinerated at temperatures of not less than 1300 degrees Fahrenheit for a period of not less than 0.4 seconds, or

B. Processed in such a manner determined by the Air Pollution Control District to be equally, or more, effective for the purpose of air pollution control than (A) above.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control District, for indicating any or all operational parameters or conditions.

Exist. Nitrogen Oxide Emissions.

A person in control of a stationary emission source operation shall not permit such operation to emit into the atmosphere gases exceeding in concentration 250 ppm (Vol.) nitrogen oxides (NO_x) calculated as nitrogen dioxide (NO_2) measured at the point of discharge, nor shall the emissions exceed 20 tons per day per source.

(50.3) Rule 59. Oxides of Nitrogen Emissions

A person shall not discharge into the atmosphere, from any non-mobile source, gases having a concentration of oxides of nitrogen, calculated as nitrogen dioxide (NO_2) at standard conditions and 3 percent oxygen, in excess of that shown in the following table:

OXIDES OF NITROGEN - PARTS PER MILLION		
FUEL*	EFFECTIVE DATE	
	October 6, 1969**	January 1, 1975***
GAS	250	125
LIQUID OR SOLID	250	225

*at standard conditions

Oxides of nitrogen calculated as nitrogen dioxide (NO_2) in amounts exceeding 20 tons per day for existing sources or 140 pounds per hour for new sources as described in Rule 60, shall not be discharged into the atmosphere from any source of emission whatsoever.

The provisions of this Rule shall not apply to non-mobile combustion sources as follows:

**October 6, 1969 limits

To those "sources" having maximum heat input rate of less than 250 million BTU per hour (gross) and any existing turbine power generating peaking units at Mandalay. (Rev. 7/18/72)

***January 1, 1975 limits

To those sources existing as of May 23, 1972, which have a maximum heat input rate of less than 2150 million BTU per hour (gross) and any new source of less than 250 million BTU per hour (gross).

The owner or operator of any stationary source subject to the January 1, 1975 Emission Limits of this Rule, shall, not later than December 31, 1972, submit to the District for approval, a proposed compliance schedule that demonstrates compliance with the Rules and Regulations specified herein as expediously as practicable but no later than January 1, 1975. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to:

1. letting of necessary contracts for construction or process changes, if applicable;

2. initiation of construction;

3. completion and start-up of control systems;

4. performance tests;

5. submittal of performance test analyses and results.

Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within five (5) days after the deadline for each increment of progress, certify to the District in writing whether or not the required increment of the approved compliance schedule has been met.

Where any such owner or operator demonstrates to the satisfaction of the District that compliance with this Rule will be achieved on or before December 31, 1973, no compliance schedule shall be required.

(51.5)
(51.6)
(51.7) Rule 60. New Non-Mobile Equipment - Sulfur Dioxide, Nitrogen Oxides, and Particulate Matter

A person shall not, after September 29, 1970, commence the building, erection, installation or expansion of any non-mobile equipment unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

A. 200 pounds per hour of sulfur oxides, calculated as sulfur dioxide (SO_2);

B. 140 pounds per hour of oxides of nitrogen, calculated as nitrogen dioxide (NO_2);

C. 10 pounds per hour of combustion contaminants as defined in Rule 2 and derived from the burning of a fuel.

For the purposes of this Rule, non-mobile equipment shall be composed of the minimum number of pieces of equipment, the simultaneous operation of which is required for the production process.

Nothing in this Rule shall be construed as preventing the maintenance or preventing the alteration or modification of existing equipment which will reduce its air contaminant emissions.

(51.16) Rule 61. Effluent Oil Water Separators.

A person shall not use any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores or handles hydrocarbons with a Reid vapor pressure of 0.5 lbs. per square inch or greater, unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place.

1. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.

2. A floating pontoon or double-deck type cover, equipped with a closure seal, to enclose any space between the cover's edge and compartment wall.

3. A vapor recovery system, which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.

4. Other equipment of an efficiency, equal to or greater than 1, 2, or 3, if approved by the Air Pollution Control District.

This Rule shall not apply to any oil effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

This Rule shall be effective on January 1, 1974 for all existing equipment.

(11.0) Rule 62. Hazardous Materials.

No hazardous materials shall be discharged from any source so as to result in concentrations at or beyond the property line in excess of any State, Federal or local standards or emission limits established.

In the absence of specific standards for particular hazardous material, the airborne concentrations of such materials shall not exceed those levels and time intervals established by the State Division of Industiral Safety or the Occupational Safety and Health Administration.

(51.16) Rule 63. Organic Liquid - Petroleum Products Loading

A person shall not load organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions into any tank truck, trailer or railroad tank car from any loading facility, from which at least 20,000 gallons of such organic liquids are loading in any one day, unless the loading facility or tank is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control District.

Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

A. An absorber system or condensation system which processes all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

B. A vapor handling system which directs all vapors to a fuel gas system.

C. Other equipment of an efficiency equal to or greater than (A) or (B) if approved by the Air Pollution Control District.

This Rule shall be effective on January 1, 1974 for all existing equipment.

(50.2) Rule 64. Sulfur Content of Fuels.

A person shall not burn within Ventura County at any time any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, except for natural gas which is limited to 15 grains per 100 cubic feet, calculated as hydrogen sulfide at standard conditions, or any liquid fuel or solid fuel having a sulfur content in excess of 0.5 percent by weight. The provisions of this Rule shall not apply to:

A. The incineration of waste gases provided that the gross heating value of such gases is less than 300 British thermal units per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amounts specified in this rule.

B. The use of solid fuels in any metallurgical process.

C. The use of fuels where the gaseous products of combustion are used as raw materials for other processes.

D. The use of liquid or solid fuel to propel or test any vehicle, aircraft, missile, locomotive, boat or ship.

E. Fuel used due to unavailability of normal fuel through act of God.

This Rule shall be effective on January 1, 1974 for all existing equipment.

(12.0) Rule 65. Gasoline Specifications

A person shall not sell or supply for use within Ventura County as a fuel for motor vehicles as defined by the Vehicle Code of the State of California, gasoline having a degree of unsaturation greater than that indicated by a Bromine Number of 30 as determined by ASTM Method D1159-57T modified by omission of the mercuric chloride catalyst.

(50.4) Rule 66. Organic Solvents

A. Organic Materials

1. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

2. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in section (1), for employing or applying, any photochemically reactive solvent, as defined in section (10), or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section (1) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

3. A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section (1) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

4. Emission of organic materials to the atmosphere from the clean-up with photochemically reactive solvent, as defined in section (10), of any article, machine, equipment, or other contrivance described in sections (1), (2) or (3), shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this Rule.

5. Emissions of organic materials into the atmosphere required to be controlled by sections (1), (2) or (3), shall be reduced by:

   a. Incinceration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

   b. Adsorption, or

   c. Processing in a manner determined by the Air Pollution Control District to be no less effective than (a) or (b) above.

6. A person incinerating, adsorbing, or otherwise processing organic material pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices, as specified in the Authority to Construct or the Permit to Operate, or as specified by the Air Pollution Control District, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

7. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control District, upon request and in the manner and form prescribed, written evidence, if so required, of the chemical combustion, physical properties and amount consumed for each organic solvent used.

8. The provisions of this Rule shall not apply to:

   a. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

   b. The use of equipment for which other requirements are specified by Rules 55, 61, or 63 or which are exempt from air pollution control requirements by said Rules.

   c. The spraying or other employment of insecticides, pesticides or herbicides

   d. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

   e. The use of any material, in any article, machine, equipment or other contrivance, described in sections 1, 2, 3, or 4, if:

      (1) The volatile content of such material consists only of water and organic solvents, and

      (2) The organic solvents comprise not more than 20 percent of said volatile content, and

      (3) The volatile content is not photochemically reactive as defined in section (10).

9. For the purposes of this Rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 200°F.

10. For the purposes of this Rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

    a. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

    b. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent

    c. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichlorethylene or toluene: 20 percent.

    Whenever any organic solvent or any constituent of an organic solvent may be calssified from its chemical structure, into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

11. For the purposes of this Rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonate and ammonium carbonate.

B. Architectural Coatings

1. A person shall not sell or offer for sale for use in Ventura County, in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Rule 66 A. (10);

2. A person shall not employ, apply, evaporate or dry in Ventura County any architectural coating, purchase in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Rule 66 A. (10);

3. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Rule 66;

4. For the purposes of this Rule, an architectural coating is defined as a coating used to cover, inside or outside, residential, commercial, industrial or public buildings and appurtenances.

C. Disposal and Evaporation of Solvents

A person shall not during any one day dispose of a total of more than 1-1/2 gallons of any photochemically reactive solvent, as defined in Rule 66; or of any material containing more than 1-1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

D. Dry Cleaning Solvent

A person shall not, after July 1, 1975, use organic solvent containing a total of 4 percent or more by volume of material described in Rule 66.A.10., except perchloroethylene, for the commercial cleaning of garments and fabrics unless the emission of organic material into the atmosphere is reduced by at least 90 percent by weight.

Compliance with this rule must be achieved under the following schedule of increments of progress:

1. June 15, 1975: Submit to the Air Pollution Control Officer a final control plan which describes at a minimum the steps to be taken to achieve compliance with the provisions of this rule.

2. July 1, 1975: Achieve final compliance with the provisions of this rule.

E. Metal Surface Coating - Thinner and Reducers:

A person shall not, after October 1, 1975, use photochemically reactive solvent, as defined in Rule 66 A.10., to thin, reduce or dilute industrial metal surface coatings unless the emissions of organic materials into the atmosphere from the use of such coatings is reduced by at least 85 percent by weight.

Compliance with this rule must be achieved under the following schedule of increments of progress:

1. June 15, 1975 Submit to the Air Pollution Control Officer a final control plan which describes at a minimum the steps to be taken to achieve compliance with the provisions of this rule.
2. July 1, 1975: Negotiate and sign all necessary contracts for emission control systems, or issue purchase orders to obtain substitute organic solvents that will comply with the provisions of this rule.
3. Aug. 1, 1975: Initiate on-site construction or installation of any emission control equipment.
4. Sept. 1, 1975: Complete on-site construction of any emission control equipment or begin use of substitute organic solvents.
5. Oct. 1, 1975: Assure final compliance with the provisions of this rule.

F. Surface Cleaning and Degreasing

A person shall not, after July 1, 1975, use photochemically reactive solvent as defined in Rule 66 A.10., in surface cleaning or degreasing operations unless the emission of organic materials into the atmosphere is reduced by at least 85 percent by weight.

Compliance with this rule must be achieved under the following schedule of increments of progress:

1. June 15, 1975: Submit to the Air Pollution Control Officer a final control plan which describes at a minimum the steps to be taken to achieve compliance with the provisions of this rule.

1. The displaced gasoline vapors or gases are processed by a system that includes (1) a vapor-tight liquid fill connector, (2) a vapor-tight vapor return line to the delivery vessel of at least 3 inches nominal diameter, and (3) the vapor-laden delivery vessel being refilled only at facilities equipped with vapor recovery or disposal systems described in Rule 63. The vapor return system shall collect at least 90 percent by weight of the gasoline vapors vented during filling of the stationary storage container.

2. The displaced gasoline vapors are processed by a system approved by the Air Pollution Control Officer and with a recovery efficiency at least equivalent to that of the system described in A-1 above.

3. Transfer is made to a storage container equipped as described in Rule 55. B-2.

B. The provisions of this Rule shall not apply to:

1. The transfer of gasoline into any container having a capacity of less than 2000 gallons which was installed prior to September 1, 1974, if equipped with a permanent submerged fill pipe by July 1, 1976.

2. The transfer of gasoline into any underground storage container installed prior to January 1, 1965, where the fill line between the fill connection and container is offset.

3. Any stationary container which is used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (section 36000, et seq) of the California Vehicle Code, if equipped with a permanent submerged fill pipe by July 1, 1976.

4. The transfer of gasoline into any stationary storage container in existence prior to July 1, 1975, which is served by a delivery vessel exempted by the Air Pollution Control Officer pursuant to Section D, of this Rule, if such container is equipped by July 1, 1976, with a permanent submerged fill pipe.

C. Any gasoline storage container and non-exempt gasoline loading facilities subject to this Rule, installed on or after September 1, 1974, shall comply with the provisions of this Rule at the time of installation.

2. July 1, 1975: Achieve final compliance with the provisions of this rule.

(51.21) Rule 67. Vacuum Producing Devices.

A person shall not discharge into the atmosphere more than three (3) pounds of organic materials in any one hour from any vacuum producing devices or systems including hot wells and accumulators, unless said discharge has been reduced by at least 90 percent. This Rule shall be effective on January 1, 1974 for all existing equipment.

(50.5) Rule 68. Carbon Monoxide.

A person shall not discharge into the atmosphere carbon monoxide (CO) in concentrations exceeding 2000 ppm by volume measured on a dry basis at standard conditions. The provisions of this Rule shall not apply to emissions from internal combustion engines. This Rule shall be effective on January 1, 1973 for all existing equipment.

(51.8) Rule 69. Asphalt Air Blowing.

A person shall not operate or use any article, machine, equipment or other contrivance for the air blowing of asphalt unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

A. Incinerated at temperatures of not less than 1400 degrees Fahrenheit for a period of not less than 0.3 seconds, or

B. Processed in such a manner determined by the Air Pollution Control District to be equally, or more, effective for the purpose of air pollution control than (A) above.

This Rule shall be effective on January 1, 1974 for all existing equipment.

(51.16) Rule 70. Gasoline Transfer into Stationary Storage Containers.

A. A person shall not transfer or permit the transfer of gasoline from any tank truck or trailer into any stationary storage container with a capacity of more than 950 liters (250 gallons) unless such container is provided with a permanent submerged fill pipe and unless such transfer is made under one of the following conditions:

D. 1. The owner or operator of any gasoline loading facility not subject to the provisions of Rule 63 which was in operation on or before July 1, 1975, and for which the annual throughput to stationary storage containers that are not exempted by Section B. does not exceed 500,000 gallons, may petition the Air Pollution Control Officer to have the facility's delivery vessels and other independently owned gasoline delivery vessels which are exclusively serviced at such facility exempted from the provisions of Section A. The owner or operator of such a facility must petition annually to renew such exemptions.

2. A person shall not load gasoline into any delivery vessel from any gasoline loading facility granted an exemption pursuant to Section D.1. of this Rule unless, by July 1, 1976, such delivery vessel is loaded through a submerged fill pipe.

3. A person shall not operate any gasoline loading facility which is granted an exemption pursuant to Section D.1. of this Rule unless after July 1, 1976:

   a. The facility is equipped with a system or systems to prevent the release to the atmosphere of at least 90 percent by weight of the gasoline vapors displaced during the filling of the facility's stationary storage containers; and

   b. The facility is equpped with a pressure-vacuum valve on the above ground stationary storage containers with a minimum pressure valve setting of 15 ounces, provided that such setting will not exceed the container's maximum pressure rating.

   c. The owner or operator of any stationary storage container granted an exemption pursuant to Section D. of this Rule which is operating or in the process of being installed or constructed prior to July 1, 1975, shall comply with the provisions of this Rule by July 1, 1976, and shall comply with the following schedule:

      (1) By November 1, 1975 - Apply for an Authority to Construct from the Air Pollution Control Officer for installation of the needed control system;

(2) By January 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emission control system have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

(3) By March 1, 1976 - Initiate on-site construction or installation of emission control equipment;

(4) By June 1, 1976 - Complete on-site construction or installation of emission control equipment; and

(5) By July 1, 1976 - Secure the Air Pollution Control Officer's approval of all equipment and a Permit to Operate.

E. If any stationary storage container or gasoline loading facility subject to this Rule is installed or in the process of being installed prior to September 1, 1974, and not exempt under Section D, the owner or operator of such container or gasoline loading facility shall comply with the provisions of this Rule by May 1, 1976, and shall meet the following compliance schedule:

1. September 1, 1974 - Submit to the Air Pollution Control Officer a final control plan which describes as a minimum the steps that will be taken by the source to achieve compliance with the provisions of this Rule.

2. March 1, 1975 - Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

3. May 1, 1975 - Initiate on-site construction or installation of emission control equipment.

4. February 1, 1976 - Complete on-site construction or installation of emission control equipment.

5. May 1, 1976 - Assure final compliance with the provisions of this Rule.

(51.16) Rule 71. Transfer of Gasoline into Vehicle Fuel Tanks

A. A person shall not transfer or permit the transfer of gasoline into any motor vehicle fuel tank of greater than 5 gallons capacity unless such transfer is made through a fill nozzle which:

1. Direct the gasoline vapors displaced by the transfer through the fill nozzle to a system that will prevent at least 90 percent by volume of such hydrocarbon vapors from entering the atmosphere; and

2. Prevents fuel tank overfills and spillage on fill nozzle disconnect.

B. The provisions of this Rule shall not apply to:

1. The transfer of gasoline from any container having a capacity of 250 gallons or less, nor from any mobile container used exclusively for refueling of motor vehicles.

2. The transfer of gasoline from any container having a capacity of less than 2,000 gallons which was installed prior to Rule adoption.

3. The transfer of gasoline from any underground storage container installed prior to January 1, 1965, where the fill line between the fill connection and container is offset.

4. The fueling of implements of husbandry, as such vehilcles are defined in Division 16 (Section 26000, et seq) of the Caifornia Vehicle Code.

5. The transfer of gasoline from any container exempted by Section D. of Rule 70.

C. Any gasoline dispensing system subject to this Rule, installed on or after September 1, 1974, shall comply with the provisions of this Rule at the time of installation.

D. Any gasoline dispensing system subject to this Rule, installed or in the process of being installed prior to September 1, 1974, shall comply with the provisions of this Rule by May 1, 1976, and shall meet the following compliance schedule:

1. September 1, 1974 - Sumbit to the Air Pollution Control Officer a final control plan which describes, at a minimum, the steps that will be taken by the source to achieve compliance with the provisions of paragraph A of this Rule;
2. March 1, 1975 - Commence issuing purchase orders and contracts for component parts and installation of control systems in accordance with paragraph D.1 above;
3. May 1, 1975 - Initiate on-site construction or installation of emission control equipment;
4. February 1, 1976 - Complete on-site construction or installation of emission control equipment;
5. May 1, 1976 - Assure final compliance with the provisions of paragraph A of this Rule.

(10.0) Rule 72. New Source Performance Standards

A. The provisions of this rule shall apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after June 10, 1975.

B. For the purpose of Rule 72 and its subparts, the following definitions shall be applicable.

1. "Affected facility" means any apparatus to which a standard is applicable.

2. "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligiation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

3. "Construction" means fabrication, erection, or installation of an affected facility.

4. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

5. "Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a standard applies) emitted by such facility or which results in the emission of any air pollutant (to which a standard applies) not previously emitted, except that:

   a. Routine maintenance, repair, and replacement shall not be considered physical changes, and

   b. The following shall not be considered a change in the method of operation:

      1) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;

2) An increase in hours of operation;

3) Use of an alternative fuel or raw material if, prior to the date any new source performance standard becomes applicable to such facility, the affected facility is designed to accommodate such alternative use.

6. "Person" means any owner or operator who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part

7. "Rule 72" includes all rules beginning with the number 72.

8. "Shutdown" means the cessation of operation of an affected facility for any purpose.

9. "Startup" means the setting in operation of an affected facility for any purpose.

C. Notifications, Records, Excess Emissions Reports

1. Any person subject to the provisions of Rule 72 shall furnish the control officer written notification as follows:

   a. A notification of the anticipated date of initial startup of an affected facility not more than 60 days or less than 30 days prior to such date.

   b. A notification of the actual date of initial startup of an affected facility within 15 days after such date.

2. Any person subject to the provisions of Rule 72 shall maintain for a period of 2 years a file of all measurements, including monitoring and performance testing measurements, and all other reports and records required by Rule 72 (and shall upon request submit reports of such measurements or records in the form and manner prescribed by the Air Pollution Control Officer).

3. Any person subject to the provisions of Rule 72 shall maintain for a period of 2 years a record of the occurrence and duration of any startup, shutdown, or malfunction in operation of any affected facility.

4. A written report of excess emissions as defined in the applicable rule shall be submitted to the control officer by each owner or operator for each calendar quarter. The report shall include the magnitude of excess emissions as measured by the required monitoring equipment reduced to the units of the applicable standard, the date, and the time of commencement and completion of each period of excess emissions. Periods of excess emissions due to startup, shutdown, and malfunction shall be specifically identified. The nature and cause of any malfunction (if known), the corrective action taken, or preventive measures adopted shall be reported. Each quarterly report is due by the 30th day following the end of the calendar quarter. If there were not excess emissions for a quarter a report shall be submitted indicating that there were no excess emissions.

D. Performance Tests

1. Within 60 days after achieving the maximum production rate at which the affected facility will be operated but not later than 180 days after initial startup of such facility and at such other times as may be required by the control officer, the owner or operator of such facility shall conduct performance test(s) and furnish the control officer a written report of the results of such performance test(s). The control officer may at his option, conduct the required performance tests (and may charge the owner or operator a fee not to exceed the actual cost of such tests).

2. Performance tests shall be conducted and data reduced in accordance with the test methods and procedures prescribed by the Control Officer.

3. Performance tests shall be conducted under such conditions as the Control Officer shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Control Officer such records as may be necessary to determine the conditions of the performance tests. Operations during period of startup, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable rule.

4. The owner or operator of an affected facility shall provide the control officer 30 days prior notice of the

performance test to afford the control officer the opportunity to have an observer present.

5. Each performance test shall consist of three separate runs. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the control officer's approval, be determined using the arithmetic mean of the results of the two other runs.

E. Compliance

Compliance with standards in these rules, other than opacity standards, shall be determined only by performance tests established by paragraph C of this rule, except where performance tests are not specified.

F. Monitoring

Monitoring shall be conducted in accordance with that specified in the Appendix of the Ventura County Air Pollution Control District Rules and Regulations.

G. Test Procedure

Emissions shall be tested according to methods specified in the Appendix of the Ventura County Air Pollution Control District Rules and Regulations.

H. If any other applicable rule in these Rules and Regulation is more restrictive than the rules regarding performance standards, including Rule 26B, that rule shall apply.

(51.10) Rule 72.1 Standard of Performance of Nitric Acid Plants

A. No person shall cause to be discharged into the atmosphere from any nitric acid production unit any gases which:

1. Contain nitrogen oxides, expressed as NO_2, in excess of 3 lbs. per ton of acid produced, the production being expressed as 100% nitric acid.

2. Exhibit ten percent opacity or greater. Where the

presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be considered a violation of this rule.

B. For the purpose of this Rule, "Nitric acid production unit" means any facility producing weak nitric acid by either the pressure or atmospheric pressure process. "Weak nitric acid" means acid which is 30 to 70 percent in strength.

(51.18) Rule 72.2 Standard of Performance for Sulfuric Acid Plants

A. No person shall cause to be discharged into the atmosphere from any facility whose construction was commenced after adoption of this rule any gases which:

1. Contain sulfur dioxide in excess of 4 lb. per ton of acid produced, the production being expressed as 100% H_2SO_4;

2. Contain acid mist, expressed as H_2SO_4, in excess of 0.15 lb per ton of acid produced, the production being expressed as 100% H_2SO_4;

3. Exhibit 10 percent opacity or greater. Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be considered a violation of this Rule.

B. For the purpose of this Rule, the following definitions shall apply:

1) "Acid Mist" means sulfuric acid mist, as measured by test methods set forth in the appendix of these rules and regulations.

2) "Sulfuric Acid Plants" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides, and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(51.8) Rule 72.3 Standard of Performance for Asphalt Concrete Plants

A. No person shall cause to be discharged into the atmosphere from any affected facility any gases which:

   1. Contain particulate matter in excess of 0.04 gr/dscf.

   2. Exhibit 20 percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure shall not be a violation of this Rule.

B. For the purpose of this Rule "asphalt concrete plant" means any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cement and is comprised only of any combination of the following: Dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing asphalt concrete; and the loading, transfer, and storage systems associated with emission control systems.

(51.15) Rule 72.4 Petroleum Refineries

A. No person shall cause to be discharged into the atmosphere:

   1. From any fluid catalytic cracking unit catalyst regenerator or from any fluid catalytic cracking unit incinerator-waste heat boiler:

      a. Particluate matter in excess of 1.0 lb/1000 lbs. of coke burn-off in the catalyst regenerator.

      b. Gases which exhibit 30 percent opacity or greater, except for 3 minutes in any one hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this subparagraph, such failure shall not be a violation of this Rule.

      c. In those instances in which auxiliary liquid or solid fossil fuels are burned in the fluid catalytic cracking unit incinerator-waste heat boiler, particulate matter in excess of that permitted by subparagraph 1a of this Rule may be emitted to the atmosphere except that the incremental rate of particulate emissions shall not exceed 0.10 lb/million B.T.U. of heat input attributable to such liquid or solid fuel.

2. From the fluid catalytic cracking unit catalyst regenerator any gases which contain carbon monoxide in excess of 0.050 percent by volume.

B. 1. No person shall burn in any fuel gas combustion device, any fuel gas which contains H_2S in excess of 0.10 gr/dscf, except as provided in subparagraph 2 of this paragraph. The combustion of process upset gas in a flare, or the combustion in a flare of process gas or fuel gas which is released to the flare as a result of relief valve leakage, is exempt from this paragraph.

2. The owner or operator may elect to treat the gases resulting from the combustion of fuel gas in a manner which limits the release of SO_2 to the atmosphere if it is shown to the satisfaction of the control officer that this prevents SO_2 emissions as effectively as compliance with requirements of subparagraph 1 of this paragraph.

C. For the purpose of this Rule the following definitions shall apply:

1. "Coke burn-off" means the coke removed from the surface of the fluid catalytic cracking unit catalyst by combustion in the catalyst regenerator. The rate of coke burn-off is calculated by the formula specified in the appendix of the Ventura County Air Pollution Control District, Rules and Regulations.

2. "Fuel gas" means any gas which is generated by a petroleum refinery process unit and which is combusted, including any gaseous mixture of natural gas and fuel gas which is combusted.

3. "Fuel gas combustion device" means any equipment, such as process heaters, boilers and flares used to combust fuel gas, but does not include fluid coking unit and fluid catalytic cracking unit incinerator-waste heat boilers or facilities in which gases are combusted to produce sulfur or sulfuric acid.

4. "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

5. "Petroleum refinery" means any facility engaged in producing gasoline, kerosene distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking or reforming of unfinished petroleum derivatives.

6. "Process gas" means any gas generated by a petroleum refinery process unit, except fuel gas and process upset gas as defined in these definitions.

7. "Process upset gas" means any gas generated by a petroleum refinery process unit as a result of startup, shut-down, upset or malfunction.

8. "Refinery process unit" means any segment of the petroleum refinery in which a specific processing operation is conducted.

(51.17) Rule 72.5 Standard of Performance for Secondary Lead Smelters

A. This rule applies to the following facilities in secondary lead smelters; pot furnaces of more than 550 pound charging capacity, blast (cupola) furnaces, and reverberatory furnaces.

No person shall cause to be discharged into the atmosphere:

1. From a blast (cupola) or reverberatory furnace any gases which:

   a. Contain particulate matter in excess of 0.022 gr/dscf.

   b. Exhibit 20 percent opacity or greater.

2. From pot furnaces any gases which exhibit 10 percent opacity or greater.

B. For the purpose of this Rule the following definitions shall apply.

1. "Lead" means elemental lead or alloys in which the predominant component is lead.

2. "Reverberatory furnace" includes the following types of reverberatory furnaces: stationary, rotating, rocking, or tilting.

3. "Secondary lead smelter" means any facility producing lead from a lead-bearing scrap material by smelting to the metallic form.

(51.17) Rule 72.6 Standard of Performance for Secondary Brass and Bronze Ingot Production Plants

A. This rule applies to the following facilities in secondary brass and bronze ingot production plants: reverberatory and electric furnaces of 2205 lb or greater production capacity and blast (cupola) furnaces of 550 lb/hour or greater production capacity.

No person shall cause to be discharged into the atmosphere:

1. From a reverberatory furnace any gases which:
    a. Contain particulate matter in excess of 0.022 gr/dscf.
    b. Exhibit 20 percent opacity or greater.
2. From any blast (cupola) or electric furnace any gases which exhibit 10 percent opacity or greater.

Where the presence of uncombined water is the only reason for failure to meet the requirements of subparagraph 1 and 2 of this Rule, such failure shall not be a violation of this Rule.

B. For the purpose of this Rule the following definitions shall apply:

1. "Blast furnace" means any furnace used to recover metal from slag.
2. "Brass or bronze" means any metal alloy containing copper as its predominant constituent, and lesser amounts of zinc, tin, lead, or other metals.
3. "Electric furnace" means any furnace which uses electricity to produce over 50 percent of the heat required in the production of refined brass or bronze.
4. "Reverberatory furnace" includes the following types of reverberatory furnaces: stationary, rotating, rocking or tilting.

(51.4) Rule 72.7 Standard of Performance for Iron and Steel Plants

A. No person shall cause to be discharged into the atmosphere from any basic oxygen process furnace of iron and steel plants any gases, which contain particulate matter in excess of 0.022 gr/dscf.

B. For the purpose of this Rule, "basic oxygen process furnace" means any furnace producing steel by charging scrap steel, hot metal, and flux materials into a vessel and introducing a high volume of an oxygen-rich gas.

(51.9) Rule 72.8 Standard of Performance for Sewage Treatment Plants

A. No person shall cause to be discharged into the atmosphere from a municipal sewage treatment plant sludge incinerator any gases which:

1. Contain particulate matter at a rate in excess of 1.30 lb/ton of dry sludge input.

2. Exhibit 20 percent opacity or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this subparagraph, such failure shall not be a violation of this Rule.

B. For the prupose of this Rule the following definitions shall apply:

1. "Sewage sludge incinerator" means any combustion device used in the process of burning sewage sludge for the primary purpose of solids sterilization and to reduce the volume of waste by removing combustible matter, but does not include portable facilities or facilities used solely for burning scum or other floatable materials, recalcining lime, or regenerating activated carbon.

2. "Sewage sludge" means the spent water of a community consisting of liquid- and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

3. "Sewage sludge" means the solid waste byproduct of municipal sewage treatment processes, including any solids removed in any unit operation of such treatment process.

4. "Sewage treatment plant" means any arrangement of devices and structures for the treatment of sewage and all appurtenances used for treatment and disposal of sewage and other waste byproducts.

(51.21) Rule 72.9 Standards of Performance for the Phosphate Fertilizer Industry

No owner or operator subject to the provisions of this Rule shall cause to be discharged into the atmosphere from:

A. Process Plants

1. From wet-process phosphoric acid plants: total fluorides in excess of 10.0 g/metric ton of equivalent of P_2O_5 feed (0.020 lb/ton).

2. From superphosphoric acid plants: total fluorides in excess of 5.0 g/metric ton of equivalent P_2O_5 feed (0.010 lb/ton).

3. From diammonium phosphate plants: total fluorides in excess of 30.0 g/metric ton of equivalent P_2O_5 feed (0.060 lb/ton)

4. For triple superphosphate plants: total fluorides in excess of 100 g/metric ton of equivalent P_2O_5 feed (0.20 lb/ton).

B. From granular triple superphosphate storage facilities: total fluorides in excess of 0.25 g/hr/metric ton of equivalent P_2O_5 stored (5.0×10^{-4} lb/hr/ton of equivalent P_2O_5 stored).

C. Definitions

1. "Total fluorides" means elemental fluorine and all fluoride compounds as measured by reference methods specified in 40 CFR 60 Appendix A (August 6, 1975), or equivalent or alternative methods.

2. "Equivalent P_2O_5 feed" means the quantity of phosphorour, expressed as phosphorous pentoxide, fed to the process.

3. "Wet-process phosphoric acid plant" means any facility manufacturing phosphoric acid by reacting phosphate rock and acid.

4. "Superphosphoric acid plant" means any facility which concentrates wet-process phosphoric acid to 66 percent or greater P_2O_5 content by weight for eventual consumption as a fertilizer.

5. "Granular diammonium phosphate plant" means any plant manufacturing granular diammonium phosphate by reacting phosphoric acid with ammonia.

6. "Triple superphosphate plant" means any facility manufacturing triple superphosphate by reacting phosphate rock with phosphoric acid. A run-of-pile triple superphosphate plant includes curing and storing.

7. "Run-of-pile triple superphosphate" means any triple superphosphate that has not been processed in a granulator and is composed of particles at least 25 percent by weight of which (when not caked) will pass through a 16 mesh screen.

8. "Granular triple superphosphate storage facility" means any facility curing or storing granular triple superphosphate.

(51.17) Rule 72.10 Standards of Performance for Steel Plants: Electric Arc Furnaces

No owner or operator subject to the provisions of this Rule shall cause to be discharged into the atmosphere from an electric arc furnace any gases which:

1. Exit from a control device and contain particulate matter in excess of 12 mg/dscm (0.0052 gr/dscf);

2. Exit from a control device and exhibit three percent opacity or greater; and

3. Exit from a shop and, due solely to opeations of an EAF(s), exhibit greater than zero percent shop opacity except:

   a. shop opacity greater than zero percent but less than 20 percent may occur during charging periods;

   b. shop opacity greater than zero percent but less than 40 percent may occur during tapping periods;

   c. opacity standards under paragraph A.3 of this section shall apply only during periods when flow rates and pressures are being established under paragraph 3.a.

and d. in the monitoring section; and

d. where the capture system is operated such that the roof of the shop is closed during the charge and the tap, and emissions to the atmosphere are prevented until the roof is opened after completion of the charge or tap, the shop opacity standards under paragraph A.3. of this section shall apply when the roof is opened and shall continue to apply for the length of time defined by the charging and/or tapping periods.

B. No owner or operator subject to the provisions of this Rule shall cause to be discharged into the atmosphere from dust-handling equipment any gases which:

1. Exhibit ten percent opacity or greater.

C. Definitions

1. "Electric air furnace" (EAF) means any furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. Furnaces from which the molten steel is cast into the shape of finished products, such as in a foundry, are not affected facilities included within the scope of this definition. Furnaces which, as the primary source of iron, continuously feed prereduced ore pellets are not affected facilities within the scope of this definition.

2. "Dust-handling equipment" means any equipment used to handle particulate matter collected by the control device and located at or near the control device for an EAF subject to this subpart.

3. "Control device" means the air pollution control equipment used to remove particluate matter generated by the EAF(s) from the effluent gas stream.

4. "Capture system" means the equipment (including ducts, hoods, fans, dampers, etc.) used to capture or transport particluate matter generated by an EAF to the air pollution control device.

5. "Charge" means the addition of iron and steel scrape or other materials into the top of an electric arc furnace.

6. "Charging period" means the time commencing at the moment an EAF starts to open and ending either three minutes after the EAF roof is returned to its closed position or six minutes after commencement of opening of the roof, whichever is longer.

7. "Tapping period" means the time period commencing at the moment an EAF begins to tilt to pour and ending either three minutes after an EAF returns to an upright position or six minutes after commencing to tilt, whichever is longer.

8. "Meltdown and refining" means that phase of the steel production cycle when charge material is melted and undesirable elements are removed from the metal.

9. "Meltdown and refining period" means the time period commencing at the termination of the initial charging period and ending at the initiation pf the tapping period, excluding any intermediate charging periods.

10. "Shop opacity" means the arithmetic average of 24 or more opacity observations of emissions from the shop taken in accordance with the method specified in Rule 1.C.2 for the applicable time periods.

11. "Heat time" means the period commencing when scrap is charged to an empty EAF and terminating when the EAF tap is completed.

12. "Shop" means the building which houses one or more EAF's.

13. "Direct shell evacuation system" means any system that maintains a negative pressure within the EAF above the slag or metal and ducts these emissions to the control device.

14. "Tap" means the pouring of molten steel from an EAF.

(50.7) Rule 73.1 Emission Standard for Asbestos

A. A person shall not cause to be discharged into the atmosphere asbestos in the following amounts from the sources listed:

1. Asbestos mills: no visible emissions to the outside air from any asbestos mill except when air-cleaning is elected as provided in the Exceptions to Visible Emission Standard.

2. Roadways: the surfacing of roadways with asbestos tailings or asbestos containing wastes is prohibited except for temporary roadways on an area of asbestos ore deposits. The deposition of asbestos tailings on roadways covered with snow or ice is considered "surfacing".

3. Manufacturing: no visible emissions to the outside air, except when air-cleaning is elected as provided in the Exceptions to Visible Emission Standard, from any building or structure in which the following are manufactured or directly from the manufacture of these materials if they are manufactured outside of buildings or structures:

    a. cloth, cord, wicks, tubing, tape, twine, rope, thread, yarn, roving, lap or other textile materials.
    b. cement products
    c. fireproofing and insulating materials
    d. friction products
    e. paper, millboard, and felt
    f. floor tile
    g. paints, coatings, caulks, adhesives, sealants
    h. plastics and rubber materials
    i. chlorine
    j. shotgun shells
    k. asphalt concrete

4. Demolition and Renovation: any owner or operator of demolition or renovation operation who demolishes any institutional commercial, or industrial building (including apartment buildings having more than four dwelling units), structure, facility, installation, or portion thereof which contains any element that is insulated or fireproofed with friable asbestos material or renovates any of the above where more than 80 meters (260 feet) of pipe insulated or

fireproofed with friable asbestos material is stripped or removed or where more than 50 sq. meters (160 square feet) of friable asbestos material used to insulate or fireproof any other element is stripped or removed shall use the following procedures to prevent emissions of particulate asbestos material to the outside air.

a. Friable asbestos materials, used to insulate or fireproof any element shall be removed from any building, structure, facility or installation subject to this paragraph. Such removal shall occur before wrecking or dismantling of any portion of such building, structure, facility, or installation that would break up the friable asbestos materials and before wrecking or dismantling of any other portion of such building, structure, facility, or installation that would preclude access to such materials for subsequent removal. Removal of friable asbestos material used for insulation or fireproofing of any pipe, duct, or structural member wich are encased in concrete or other similar structural materials is not required prior to demolition, but such material shall be adequately wetted whenever exposed during demolition.

b. Friable asbestos materials used to insulate or fireproof elements shall be adquately wetted during stripping, except as provided in paragraphs d,f, or g of this section.

c. Elements that are insulated or fireproofed with friable asbestos materials may be taken out of any building, structure, facility, or installation subject to this paragraph as units or in sections provided the friable asbestos materials exposed during cutting or disjointing are adequately wetted during the cutting or disjointing operation. Such units shall not be dropped or thrown to the ground, but shall be carefully lowered to ground level.

d. The stripping of friable asbestos materials used to insulate or fireproof any element that has been removed as a unit or in sections as provided in paragraph 4.c. shall be performed in accordance with paragraph 4.b. of this section. Rather than comply with the wetting requirement, a local exhaust ventilation and collection system may be used to prevent emissions to the outside air. Such local exhaust ventilation systems shall be designed and operated to capture the asbestos particulate matter produced by the stripping of friable asbestos material. There shall be no visible emissions to the outside air from such local exhaust ventilation and collection systems except as provided in the Exceptions to Visible Emission Standard.

e. All firable asbestos materials that have been removed or stripped shall be adequately wetted to ensure that such materials remain wet during all remaining stages of demolition of renovation and related handling operations. Such materials that have been removed or stripped more than 15 meters (50 feet) above ground level, except those materials removed as units or in sections, shall be transported to the ground via dust-tight chutes or containers.

f. Except as specified below, the wetting requirements of this paragraph are suspended when the temperature at the point of wetting is below 0°C (32°F). When friable asbestos materials are not wetted due to freezing temperatures, such materials or elements shall, to the maximum extent possible, be removed as units or in sections prior to wrecking. In no case shall the requirements of paragraphs 4.d or 4.e be suspended due to freezing temperatures.

g. For renovation operations, local exhaust ventilation and collection systems may be used, instead of wetting as specified in paragraph 4.b., to prevent emissions of particulate asbestos material to outside air when damage to equipment resulting from the wetting would be unavoidable. Upon request and supply of adequate information, the control officer will determine whether damage to equipment resulting from wetting to comply with the provisions of this paragraph would be unavoidable. Such local exhaust ventilation systems shall be designed and operated to capture the asbestos particulate matter produced by the stripping and removal of friable asbestos material. There shall be no visible emissions to the outside air from such local exhaust ventilation and collection systems, except as provided in the Exceptions to

Visible Emission Standard

h. The demolition of a building, structure, facility or installation, pursuant to an order of an authorized representative of a State or Local governmental agency, issued because that building is structurally unsound and in danger of imminent collapse is exempt from all but the following requirements of paragraph 4. of this section.

   1. The requirements on stripping of friable asbestos materials from previously removed units or sections as specified in paragraph 4.d. of this section;

   2. The wetting, as specified by paragraph 4.e. of this section, of friable asbestos materials that have been removed or stripped; and

   3. the portion of the structure being demolished that contains friable asbestos materials shall be adequately wetted during the wrecking operation.

5. Spraying: there shall be no visible emission to the outside air from the spray-on application of materials containing more than one percent asbestos, on a dry weight basis, used to insulate or fireproof equipment and machinery, except as provided in the Exceptions to Visible Emission Standard. Spray-on materials used to insulate or fireproof buildings, structures, pipes and conduits shall contain less than one percent asbestos on a dry weight basis.

   a. Any owner or operator who intends to spray asbestos materials which contain more than one percent asbestos on a dry weight basis to insulate or fireproof equipment and machinery shall report such intention to the control officer at least 20 days prior to the commencement of the spraying operation. Such report shall include the following information.

      1. name of owner or operator
      2. address of owner or operator
      3. location of spraying operation
      4. procedures to be followed to meet the requirements of this paragraph.

6. Fabricating: there shall be no visible emissions to

outside air, except as provided in the Exceptions to Visible Emission Standard from any of the following operations if they use commercial asbestos or from any building or structure in which such operations are conducted.

a. The fabrication of cement building products.
b. The fabrication of fraction products, except those operations that primarily install asbestos friction materials on motor vehicles.
c. The fabrication of cement or silicate board for ventilation hoods, ovens, electrical panels, laboratory furniture, bulkheads, partitions and ceilings for marine construction, and flow control devices for the molten metal industry.

7. Insulating: molded insulating materials which are friable and wet-applied insulating materials which are friable after drying, installed after the effective date of these regulations, shall contain no commercial asbestos. The provisions of this paragraph do not apply to insulating materials which are spray applied; such materials are regulated under paragraph 5.

8. Waste disposal for manufacturing, fabricating, demolition, renovation and spraying operations: the owner or operator of any source shall meet the following standards:

   a. There shall be no visible emissions to the outside air, except as provided in paragraph 8.c. of this section, during the collection, processing (including incineration), packaging, transportating, or deposition of any asbestos-containing waste material which is generated by such source;

   b. All asbestos-containing waste material shall be deposited at waste disposal sites which are operated in accordance with the provisions of paragraph 11.;

   c. Rather than meet the requirement of paragraph 8.a. of this section, an owner or operator may elect to use either of the disposal methods specified under 1. and 2. of this section or an alternative disposal method which has received prior-approval by the air pollution control officer.

1. Treatment of asbestos-containing waste material with water:

   a. Control device asbestos waste shall be thoroughly mixed with water into a slurry and other asbestos-containing waste material shall be adequately wetted. There shall be no visible emissions to the outside air from the collection, mixing, and wetting operations, except as provided in the Exceptions to Visible Emission Standard;

   b. After wetting, all asbestos-containing waste material shall be sealed into leak-tight containers while wet, and such containers shall be deposited at waste disposal sites which are operated in accordance with the provisions of paragraph 11. The containers shall be labeled with a warning label that states:

      CAUTION

      Contains Asbestos

      Avoid Opening or Breaking Container

      Breathing Asbestos is Hazardous

      Alternatively, warning labels specified by the Occupational Safety and Health Administration may be used.

2. Processing of asbestos-containing waste material into non-friable forms:

   a. All asbestos-containing waste material shall be formed into non-friable pellets or other shapes and deposited at waste disposal sites which are operated in accordance with the provisions of paragraph 11.;

   b. There shall be no visible emissions to the outside air from the collection and processing of asbestos-containing waste material except as specified in the Exceptions to Visible Emission Standard;

c. For the purposes of this paragraph 8. the term all asbestos-containing waste material as applied to demolition and renovation operations covered by paragraph d. of this section includes only friable asbestos waste and control device asbestos waste.

9. Waste disposal for asbestos mills: the owner or operator of any source covered under the provisions of paragraph 1. of this section shall meet the following standard:

   a. There shall be no visible emissions to the outside air, except as provided in paragraph 9.c. of this section, during the collection, processing, packaging, transporting or deposition of any asbestos-containing waste material which is generated by such source;

   b. All asbestos-containing waste material shall be deposited at waste disposal sites which are operated in accordance with the provisions of paragraph 11.; and

   c. Rather than meet the requirement of paragraph 9.a. of this section, an owner or opreator may elect to meet the following requirements in paragraphs 9.c.1. and 2., or use an alternative disposal method which has received prior approval by the control officer.

      1. There shall be no visible emissions to the outside air from the transfer of control device asbestos waste to the tailings conveyor, except as provided in the Exceptions to Visible Emission Standard. Such waste shall be subsequently processed either as specified in paragraph 9.c.2. of this section or as specified in paragraph 8.c. of this section.

      2. All asbestos-containing waste material shall be adequately mixed, with a wetting agent recommended by the manufacturer of the agent to effectively wet dust and tailings, prior to deposition at a waste disposal site. Such agent shall be used as recommended for the particular dust by the manufacturer of the agent. There shall be no discharge of visible emissions to the outside air from the wetting operation except as specified in the Exceptions of Visible Emission Standard. Wetting may be suspended when the ambient temperature at the waste disposal site is less than -9.5°C (15°F). The ambient air temperature shall be

determined by an appropriate measurement method with an accuracy of ±1°C (±2°F) and recorded at least at hourly intervals during the period that the operation of the wetting system is suspended. Records of such temperature measurements shall be retained at the source for a minimum of two years and made available for inspection by the control officer.

10. Inactive Waste Disposal Sites: the owner of any inactive waste disposal site, which was operated by sources covered under 1., 3. or 6., and where asbestos-containing waste material produced by such sources was deposited, shall meet the following standards:

    a. There shall be no visible emissions to the outside air from an active waste disposal site subject to this paragraph, except as provided in paragraph 10.e. of this section;

    b. Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material was deposited, at intervals of 100 meters (330 feet) or less, except as specified in paragraph 10.d. of this section. Signs shall be posted in such a manner and location that a person may easily read the legend. The warning signs required by this paragraph shall conform to the requirements of 50 x 35 centimeters (20 x 14 inches) upright format signs specified by OSHA and this paragraph. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to those specified in this paragraph:

LEGEND

Asbestos Waste Disposal Site

Do Not Create Dust

Breathing Asbestos is Hazardous

to your Health

Notation

1" Sans Serif, Gothic or Block

3/4" Sans Serif, Gothic or Block

14 Point Gothic

c. The perimeter of the site shall be fenced in a manner adequate to deter access by the general public, except as specified in paragraph 10.d. of this section;

d. Warning signs and fencing are not required where the requirements of paragraphs 10.e.1 or 2. of the section are met, or where a natural barrier adequately deters access by the general public. Upon request and supply of appropriate information, the control officer will determine whether a fence or a natural barrier adequately deters access to the general public; and

e. Rather than meet the requirement of paragraph 10.a. of the section, an owner may elect to meet the requirements of this paragraph or may use an alternative control method for emissions from inactive waste disposal sites which has received prior approval by the control officer.

    1. The asbestos-containing waste material shall be covered with at least 15 centimeters (six inches) of compacted non-asbestos-containing material, and a cover of vegetation shall be grown and maintained on the area adequate to prevent exposure of the asbestos-containing waste material; or

    2. The asbestos-containing waste material shall be covered with at least 60 centimeters (two feet) of compacted non-asbestos-containing material and maintained to prevent exposure of the asbestos-containing waste; or

    3. For inactive waste disposal sites for asbestos tailings, a resinous or petroleum-based dust

suppression agent which effectively binds dust and controls wind erosion shall be applied. Such agent shall be used as recommended for the particular asbestos tailings by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the control officer. For purposes of this paragraph, waste crankcase oil is not considered a dust suppression agent.

11. Active Waste Disposal Sites: an active waste disposal site (for disposal of asbestos-containing waste material) shall meet the requirements of this section.

    a. There shall be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, except as provided in paragraph 11.e. of this rule.

    b. Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited, at intervals of 100 meters (330 feet) or less except as specified in paragraph 10.d. of this rule. Signs shall be posted in such a manner and location that a person may easily read the legend. The warning signs required by this paragraph shall conform to the requirements of 50 x 35 centimeters (20 x 14 inches) upright format signs specified by the OSHA and this paragraph. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to those specified in this paragraph:

LEGEND

Asbestos Waste Disposal Site

Do Not Create Dust

Breathing Asbestos is Hazardous
to your Health

Notation

1" Sans Serif, Gothic or Block

3/4" Sans Serif, Gothic or Block

14 Point Gothic

Spacing between lines shall be at least equal to the height of the upper of the two lines.

c. The perimeter of the disposal site shall be fenced in order to adequately deter access to the general public except as specified in paragraph 10.d. of this rule.

d. Warning signs and fencing are not required where the requirements of paragraph 3.1. of this section are met, or where a natural barrier adequately deters access to the general public. Upon request and supply of appropriate information, the air pollution control officer will determine whether a fence or a natural barrier adequately deters access to the general public.

e. Rather than meet the requirement of paragraph 11.a. of this rule, an owner or operator may elect to meet the requirements of paragraph K.5.a. or K.5.b. of this rule, or may use an alternative control method for emissions from active waste disposal sites which has received prior approval by the air pollution control officer.

   1. At the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material which was deposited at the site during the operating day or previous 24-hour period shall be covered with at least 15 centimeters (six inches) of compacted non-asbestos-containing material.

   2. At the end of each operating day, or at least once every 24-hour period while the disposal site is in continuous operation, the asbestos-containing waste material which was deposited at the site during operating day or previous 24-hour period shall be covered with a resinous or petroleum-based dust suppression agent which effectively binds dust and controls

wind erosion. Such agent shall be used as recommended for the particular dust by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the control officer. For purposes of this paragraph, waste crankcase oil is not considered a dust suppression agent.

B. Definitions

1. "Active waste disposal site" means any disposal site other than an inactive site.

2. "Adequately wetted" means sufficiently mixed or coated with water or an aqueous solution to prevent dust emissions.

3. "Asbestos" means actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite.

4. "Asbestos material" means asbestos or any material containing asbestos.

5. "Asbestos mill" means any facility engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos. Outside storage of asbestos materials is not considered a part of such facility.

6. "Asbestos tailings" means any solid waste product of asbestos mining or milling operations which contains asbestos.

7. "Asbestos-containing waste material" means any waste which contains commercial asbestos and is generated by a source subject to the provisions of this subpart, including asbestos mill tailings, control device asbestos waste, friable asbestos waste material, and bags or containers that previously contained commercial asbestos.

8. "Commercial asbestos" means any variety of asbestos which is preduced by extracting asbestos from asbestos ore.

9. "Control device asbestos waste" means any asbestos-containing waste material that is collected in a pollution control device.

10. "Demolition" means the wrecking or taking out of any load-supporting structural member and any related removing or stripping of friable asbestos materials.

11. "Element" means any boiler, pipe, duct, tank, reactor, turbine, or structural member.

12. "Fabricating" means any processing of a manufactured product containing commercial asbestos, with the exception of processing at temporary sites for the construction or restoration of buildings, structures, facilities or installations.

13. "Friable asbestos material" means any material that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure.

14. "Inactive waste disposal site" means any disposal site or portion thereof, where additional asbestos-containing waste material will not be deposited and where the surface is not disturbed by vehicular traffic.

15. "Manufacturing" means the combining of commerical asbestos, or in the case of woven friction products the combining of textiles containing commercial asbestos, with any other material(s), including commercial asbestos, and the processing of this commbination into a product as specified in paragraph 3.

16. "Outside air" means the air outside buildings and structures.

17. "Particulate asbestos material" means finely divided particles of asbestos material.

18. "Removing" means taking out friable asbestos materials used to insulate or fireproof any element from any building, structure, facility, or installation.

19. "Renovation" means the removing or stripping of friable asbestos material used to insulate or fireproof any element. Operations in which load-supporting structural members are wrecked out are excluded.

20. "Planned renovation" means a renovation operation, or a number of such operations, in which the amount of friable asbestos material that will be removed

or stripped within a given period of time can be predicted. Operations that are individually non-scheduled are included, provided a number of such operations can be predicted to occur during a given period of time based on operating experience.

21. "Emergency renovation" means a renovation operation that results from a sudden, unexpected event, and is not a planned renovation. Operations necessitated by non-routine failures of equipment are included.

22. "Roadways" means surfaces on which motor vehicles travel including but not limited to, highways, roads, streets, parking areas, and driveways.

23. "Stripping" means taking off friable asbestos materials used for insulating or fireproofing from any pipe, duct boiler, tank, reactor, turbine, furnace, or structural member.

24. "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate asbestos material.

(50.7) Rule 73.2 Emission Standard for Beryllium

A. No person shall discharge or cause the discharge to the atmosphere of more than 10 grams of beryllium over a 24-hour period from the following stationary sources:

   1. Extraction plants, ceramic plants, foundries, incinerators, and propellant plants which process beryllium ore, beryllium, beryllium oxide, beryllium alloys, or beryllium-containing waste.

   2. Machine shops which process beryllium, beryllium oxides, or any alloy when such alloy contains more than 5 percent beryllium by weight.

B. The burning of beryllium and/or beryllium-containing waste, except propellants, is prohibited except in incinerators, emissions from which must comply with this Rule.

C. For the purpose of this Rule the following definitions shall apply:

   1. "Beryllium" means the element beryllium. Where weights or concentrations are specified, such weights or con-

centrations apply to beryllium only, excluding the weight or concentration of any associated elements.

2. "Beryllium alloy" means any metal to which beryllium has been added in order to increase its beryllium content and which contains more than 0.1 percent beryllium by weight.

3. "Beryllium-containing waste" means material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to this Rule.

4. "Beryllium ore" means any naturally occuring material mined or gathered for its beryllium content.

5. "Ceramic plant" means a manufacturing plant producing ceramic items.

6. "Extraction plant" means a facility chemically processing beryllium metal or alloy or oxide, or performing any of the intermediate steps in these processes.

7. "Foundry" means a facility engaged in the melting or casting of beryllium metal or alloy.

8. "Incinerator", for the purpose of this Rule only, means any furnace used in the process of burning waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

9. "Machine shop" means a facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electro-chemical machining, etching, or other similar operations.

10. "Propellant" means a fuel and oxidizer physically or chemically combined which undergoes combustion to provide rocket propulsion.

11. "Propellant plant" means any facility engaged in the mixing, casting, or machining of propellant.

(51.21) Rule 73.3 Emission Standard For Beryllium Rocket Motor Firing

A. No person may discharge or cause the discharge of emissions to the atmosphere:

1. From rocket-motor tests sites which cause time weighted atmosphereic concentrations of beryllium to exceed 75 microgram minutes per cubic meter of air within the limits of 10 to 60 minutes, accumulated during any 2 consecutive weeks, in any area in which an effect adverse to public health could occur.

2. If combustion products from the firing of beryllium propellant are collected in a closed tank, emissions from such tank shall not exceed 2 grams per hour and a maximum of 10 grams per day.

B. For the purpose of this Rule the following definitions shall apply:

1. "Beryllium propellant" means any propellant incorporating beryllium.

2. "Rocket motor test site" means any building, structure, facility, or installation where the static test firing of a beryllium rocket motor and/or the disposal of beryllium propellant is conducted.

(50.7) Rule 73.4 Emission Standard for Mercury

A. Emissions to the atmosphere from those stationary sources which process mercury ore to recover mercury and those which use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide shall not exceed 2,300 grams of mercury per 24-hour period.

B. Emissions to the atmosphere from sludge incineration plants, sludge drying plants, or a combination of these that process wastewater treatment plant sludges shall not exceed 3,200 grams of mercury per 24-hour period. If any other rule in these rules and regulations is more restrictive, that rule shall apply.

C. Definitions

1. "Cell room" means a structure(s) housing one or more mercury electrolytic chlor-alkali cells.

2. "Condenser stack gases" means the gaseous effluent evolved from the stack or processes utilizing heat to extract mercury metal from mercury ore.

3. "Denuder" means a horizontal or vertical container which is part of a mercury chlor-alkali cell and in which water and alkali metal amalgam are converted to alkali metal hydroxide, mercury, and hydrogen gas in a short-circuited, electrolytic reaction.

4. "End box" means a container(s) located on one or both ends of a mercury chlor-alkali electrolyzer which serves as a connection between the electrolyzer and denuder for rich and stripped amalgam.

5. "Hydrogen gas stream" means a hydrogen stream formed in the chlor-alkali cell denuder.

6. "Mercury" means the element mercury, excluding any associated elements, and includes mercury in particulates, vapors, aerosols, and compounds.

7. "Mercury chlor-alkali cell" means a device which is basically composed of an electrolyzer section and a denuder (decomposer) section and utilizes mercury to produce chlorine gas, hydrogen gas, and alkali metal hydroxide.

8. "Mercury chlor-alkali electrolyzer" means an electrolyzer device which is part of a mercury chlor-alkali cell and utilizes a flowing mercury cathode to produce chlorine gas and alkali metal amalgam.

9. "Mercury ore" means a mineral mined specifically for its mercury content.

10. "Mercury ore processing facility" means a facility processing mercury ore to obtain mercury.

11. "Sludge" means sludge produced by a treatment plant that processes municipal or industrial waste waters.

12. "Sludge dryer" means a device used to reduce the moisture content of sludge by heating to temperatures above 65° C (150°F) directly with combustion.

REGULATION V. ORCHARD HEATERS.

Exist. Permits

After the date of adoption of this Rule, no person shall construct, place, maintain, alter, use or operate in excess of 5 orchard heaters in any place where they may by used or operated for frost protection, without first obtaining a permit to do so from the Air Pollution Control Officer. Application for such permits shall be made to the Air Pollution Control Officer on forms obtained from him and shall contain all information called for by such forms. The Air Pollution Control Officer may require the applicant to furnish such additional information as he may deem necessary before passing on any application. Permits shall be brought up to date through the use of questionnaries supplied by the Air Pollution Control District. This annual questionnaire will be mailed to the mailing address on the original application and permit. However, failure to receive the questionnaire will not relieve the grower of his responsibility to report annually to the Air Pollution Control District. If a grower fails to file a questionnaire annually, his permit may be cancelled and a new permit application and filing fee may be required of him by the Air Pollution Control District. A permit shall remain valid if annual questionnaries have been filed satisfactorily and provisions of Rule 84 have been complied with.

(3.0) Rule 80. Permits.

After the date of adoption of this Regulation, no person shall construct, place, maintain, alter, use or operate in excess of five (5) orchard heaters in any place where they may be used or operated for frost protection, without first obtaining a Permit to do so from the Air Pollution Control District. Application for such Permits shall be made to the Air Pollution Control District on available forms and shall contain all information required by such forms. The Air Pollution Control District may require the applicant to furnish such additional information as he may deem necessary before acting on any application.

Information on Permits may be brought up to date through the use of questionnaries mailed out by the Air Pollution Control District. This questionnaire will be mailed to the mailing address on the original application and permit. If a grower fails to answer the questionnaire, his Permit may be cancelled and a new Permit application and filing fee may be required by the Air Pollution Control District. A Permit shall remain valid if questionnaires have been filed satisfactorily and provisions of this Regulation have been complied with.

Exist. Condition of Heaters.

Upon application from any permit to operate heaters, the applicant shall execute a signed statement to the effect that:

A. All heaters enumerated in said application are clean, and relatively free of solids in stacks and bowls.

B. All heaters enumerated in said application are in good repair and working condition.

C. All such heaters will be maintained and operated so as to comply with the rules governing the permit. The Control Officer may make inspections to determine the condition of the heaters. Upon findings contrary to any requirement of this rule, the application shall be refused approval until such time as the condition of the heaters is such to effect compliance.

(51.1) Rule 81. Condition of Heaters.

Upon application for any Permit to Operate heaters, the applicant shall execute a signed statement to the effect that:

A. All heaters enumerated in said application are clean, and relatively free of solids in stacks.

B. All heaters enumerated in said application are in good repair and working condition and will comply with Rules 83 and 84.

C. All heaters not under fire with fuel contained within must be covered when standing in the field.

D. All such heaters will be maintained and operated so as to comply with the Rules governing the permit.

The Air Pollution Control District may make inspections to determine the condition of the heaters. Upon findings contrary to any requirement of this Rule, the application shall be denied until such time as the condition of the heaters is such to effect compliance.

Exist. Burning Rubber and Other Substances.

It shall be unlawful for any person, for the purpose of frost proection, to burn any rubber, rubber tires, or any other substance containing rubber, or to burn oil or other combustible substances in drums, pails or other containers except orchard heaters.

(51.1) Rule 82. Burning Rubber and Other Substances.

It shall be unlawful for any person, for the purpose of frost proection, to burn any rubber, rubber tires, or any other substance containing rubber, or to burn oil or other combustible substances in drums, buckets, tubes, pails or other containers except orchard heaters.

Fuels used in orchard heaters shall comply with applicable Ventura County Air Pollution Control District Rules and Regulations.

Exist. Orchard Heaters: Permitted and Prohibited Types.

Orchard heaters may be used for frost protection if they are so designed or equipped, or can be operated or regulated, so as not to discharge into the atmosphere uncomsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

(51.1) Rule 83. Orchard Heaters: Permitted Types.

Orchard heaters may be used for frost protection pursuant to permit if they are so designed or equipped, or can be operated or regulated, so as not to discharge into the atmosphere uncomsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute or are approved by the State Air Resources Board.

Exist. Non-Complying Heaters: Continued Use of Certain Types.

Any person who owns or had in his possession on the effective date of this Regulation, any orchard heaters which fail to comply with Rule 83 of this regulation, may continue to use said heaters for frost protection. However, such non-complying heaters shall be converted so that they comply with Rule 83, or shall be replaced by heaters which comply with Rule 83, pursuant to the following schedule: twenty percent (20%) on or before March 5, 1969; an additional twenty percent (20%) on or before March 5, 1970; an additional twenty percent (20%) on or before March 5, 1971; an additional twenty percent (20%) on or before March 5, 1972; and the final twenty percent (20%) on or before March 5, 1973. Failure to convert or replace said non-complying heaters in accordance with the provisions of this rule shall be a misdemeanor.

(51.1) Rule 84. Non-Complying Heaters: Continued Use of Certain Types

Any person who owns or had in his possession on October 22, 1968 any orchard heaters which failed to comply with Rule 83 of this Regulation, amy continue to use said heaters for frost protection until March 9, 1973, as long as they constitute 20% or less of the total heaters used. After March 9, 1973 all heaters must be of the complying type, as specified in Rule 83.

Exist. Prohibition of Sale of Heaters.

It shall be unlawful to sell, or offer to sell, for use for frost proection within the County of Ventura, any orchard heater which does not comply with Rule 83 of this regulation or which cannot be modified to comply with Rule 83.

(51.1) Rule 85. Prohibition of Sale of Heaters.

It shall be unlawful to sell, for use for frost protection within the County of Ventura, any orchard heater which is not approved by the State Air Resources Board, or does not comply with Rule 83 of this Regulation.

REGULATION VI. SAMPLING AND TESTING PROCEDURES

Exist. Analytical Methods.

The following analytical methods are herby adopted as standard methods of the Ventura County Air Pollution Control District. Other analytical methods may be used in place of the standard methods provided that equivalent results are obtained. In cases where the standard methods are not valid, applicable methods acceptable to the Control Officer may be substituted.

A. Rule 50. Opacity. Ringelmann Chart, as described in Bureau of Mines Circular 7718, Ausust 1955.

B. Rule 51. Nuisance. No standard procedures.

C. Rule 52 and 53. Particulate Matter. Collection by wet impinger, drying and weighing as described in Appendix A available on request.

D. Rule 54. Specific Contaminants.

1. Sulfur dioxide at point of discharge (high concentration). Collection by wet impinger, conversion to sulphuric acid and titrating as described in Appendix B available on request.

2. Sulphur dioxide at ground level (low concentrations). Collection by wet impinger, Schiff base formation, and colorimetric determination, Appendix C available on request.

3. Combustion Comtaminants.

   a. Particulate matter, paragraph C of this Rule.

   b. Carbon dioxide. Standard Orsat method, as described in Appendix D, available on request.

E. Rule 55. Organic Gases. Showing of compliance by the person responsible for an organic gas emission shall include applicable portions and/or calculation procedures contained in API Bulletin 2514, "Evaporation Loss from Tank Cars, Tank Trucks, and Marine Vessels," in API Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," and API Bulletin 2518, "Evaporation Loss from Fixed Roof Tanks."

(9.0) Rule 100. Analytical Methods.

The following analytical methods are hereby adopted as standard methods of the Ventura County Air Pollution Control District. Other analytical methods may be used in place of the standard methods provided that equivalent results are obtained in cases where the standard methods are not valid, applicable methods acceptable to the District may be substituted.

A. Rule 50. Opacity. Ringelmann Chart, as described in Bureau of Mines Circular 7718, August 1955.

B. Rule 51. Nuisance. No standard procedures.

C. Rules 52 and 53. Particulate Matter. Collection by wet impinger, drying and weighing as described in Appendix A available on request.

D. Rule 54. Specific Contaminants.

1. Sulfur dioxide at point of discharge (high concentrations). Collection by wet impinger, conversion to sulfuric acid and titrating as described in Appendix B available on request.

2. Sulfur dioxide at ground level (low concentration). Collection by wet impringer, Schiff base formation, and colorimetric determination, Appendix C available on request.

3. Combustion Contaminants.

   a. Particulate matter, paragraph C of this Rule.

   b. Carbon dioxide. Standard Orsat method, as described in Appendix D, available on request.

E. Rule 55. Organic Gases. Showing of compliance by the person responsible for an organic gas emission shall include applicable portions and/or calculation procedures contained in API Bulletin 2514, "Evaporation Loss from Tank Cars, Tank Trucks, and Marine Vessels," in API Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," and API Bulletin 2518, "Evaporation Loss from Fixed Roof Tanks".

F. Rule 59. Oxides of Nitrogen. The analytical method employed shall be one approved by the State of California Air Resources Board, or as otherwise provided in this Rule for substitute methods, and is available on request.

Exist. Sampling and Testing Facilities.

Any person operating or using any article, machine, equipment, or other contrivance for which these rules require a Permit to Operate, shall provide and maintain conveniently located facilities, and reasonable and necessary test openings in the stack and system, exclusive of instruments and sensing devices, in order to permit measurement of emissions of air contaminants or for indicating temperatures, pressures, or other operating conditions necessary to determine compliance with these Rules. Where facilities provided by the owner for this purpose are inadequate, the Control Officer may, in writing, require the permittee to provide such facilities as are reasonably necessary for the above stated purposes.

All such facilities may be either permanent or temporary, at the discretion of the person responsible for their provision; shall be suitable for determinations consistent with the emission limits established in these Rules; and shall comply with all applicable laws and regulations concerning safe construction or safe practices in connection with such facilities.

(9.0) Rule 101. Sampling and Testing Facilities

Any person operating or using any article, machine, equipment or other contrivance for which these Rules require a Permit to Operate, shall provide and maintain conveniently located facilities, and reasonable and necessary test openings in the stack and system, including instruments and sensing devices, as required within the Rules and Regulations, in order to permit measurement of emissions of air contaminants or for indicating temperatures, pressures, or other operating conditions necessary to determine compliance with these Rules. Where facilities provided by the owner for this purpose are inadequate, the Air Pollution Control District may, in writing, require the permittee to provide such facilities as are reasonably necessary for the above stated purposes.

All such facilities may be either permanent or temporary, at the discretion of the person responsible for their provisions; shall be suitable for determinations consistent with the emission limits established in these Rules; and

and shall comply with all applicable laws and regulations concerning safe concstruction or safe practices in connection with such facilities.

(2.0) Rule 102. Access to Facilities

Representatives of the Air Pollution Control District, during reasonable hours, and upon identification, for the purpose of enforcing or administering the Rules and Regulations of the Ventura County Air Pollution Control District or any provisions of the Vehicle Code relating to the emission or control of air contaminants, or of any order, Regulation or Rule prescribed pursuant thereto, may enter every building, premises, or other place, except a building designed for and used exclusively as a private residence and may stop, detain, and inspect any vehicle, designed for and used on a public highway but which does not run on rails. Every person is guilty of a misdemeanor who in any way denies, obstructs, or hampers such entrance, or such stopping, detaining, or inspection of such vehicle, or who refuses to stop such a vehicle upon the lawful order of the Air Pollution Control District.

(9.0) Rule 103. Source Tests

Any source test or analysis submitted to substantiate an application for permit and/or operation within the Rules and Regulations of the Air Pollution Control District, shall be conducted in strict conformance with Rule 100. (Analytical Methods). Such source tests and analyses are subject to referee by the Air Pollution Control District. The Air Pollution Control District retains the authority to conduct such source tests and analyses as are deemed necessary to evaluate status of compliance and/or permit application materials.

(15.0) Rule 104. A. Arrest Authority

Pursuant to the authority vested in the Board of Supervisors of the County of Ventura as the Air Pollution Control Board of the Ventura County Air Pollution Control District by California Penal Code section 836.5, the Air Pollution Control Officer and certain of his authorized subordinates, as hereinafter provided, shall have the power of arrest without a warrant whenever they have reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence consisting of a violation of the provisions of Division 26 of the California Health and Safety Code or any Rules and Regulations of the Ventura County Air Pollution Control District.

B. Persons Authorized

The persons who are authorized to make arrests as herein provided shall consist of the Air Pollution Control Officer and those of his subordiantes, as he shall designate, who are engaged in air pollution control inspection and enforcement for the Ventura County Air Pollution Control District.

C. Procedure

In any case in which a person is arrested pursuant to this Rule and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear, as prescribed by Chapter 5 (commencing with Section 853.6) of the California Penal Code. The provisions of that Chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this Rule.

REGULATION VII

(2.0) Rule 110. General

A. This Regulation shall apply to all hearings before the Hearing Board of the Ventura County Air Pollution Control District. For purposes of this Regulation, "Permit" means Authority to Construct or Permit to Operate; or Permit;

B. The Hearing Board consists of five members, each appointed by the Air Pollution Control Board. One shall have been admitted to the practice of law in California; one shall be chemical or mechanical engineer; one shall be a representative from the medical profession; and the remaining two shall be public members; a minimum of three members is necessary to enter a decision.

C. Any person may petition the Hearing Board.

(2.0) Rule 111. Filing Petitions

Requests for hearing shall be initiated by the filing of a petition with the Clerk of the Hearing Board together with the payment of a non-refundable fee provided for in Rule 41 of these Rules and Regulations.

If the person who owns the emission source which is involved in the petition is the petitioner, a copy of the petition shall be mailed to the Air Pollution Control Officer. If the Air Pollution Control Officer is the petitioner, a copy of the petition shall be mailed to the person who owns the emission source which is involved in the petition.

(Standard petition forms are available from the Air Pollution Control District or from the Clerk of the Hearing Board).

(2.0) Rule 112. Contents of Petitions

Every petition shall state:

A. The name, address, and telephone number of the petitioner, or other person authorized to receive services of notices;

B. The name, address, and telephone number of the person who owns the emission source which is involved in the petition;

C. Whether the person who owns the emission source which is involved in the petition is an individual, co-partnership, corporation or other entity, and names and addresses of the partners if a co-partnership, names and addresses of the officers, if a corporation, and the names and addresses of the persons in control, if other entity;

D. The type of business or activity involved in the application and the street address at which it is conducted;

E. A brief description of the article, machine, equipment or other contrivance, if any, involved in the application;

F. The section or Rule under which the petition is filed; that is, whether petitioner desires a hearing:

1. To determine whether a variance shall be issued, modified, or revoked under Article 2, Chapter 4, Part 4, Division 26 of the Health and Safety Code;

2. To determine whether a modified compliance schedule shall be established or a variance issued for a rule not yet effective under Section 41703 of the Health and Safety Code;

3. To review the denial, suspension or conditional granting of a Permit under Rule 22 of these Rules and Regulations.

4. To determine whether a Permit shall be revoked under Rule 28 of these Rules and Regulations;

5. To determine whether an abatement order shall be issued under Section 42451 of the Health and Safety Code.

G. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth his authority to sign.

H. All petitions on other than standard petition forms shall be typewritten, double spaced, on one side of 8-1/2 inch by 11 inch paper, leaving a margin of at least one inch at the top, bottom, and left side of each sheet.

(5.0) Rule 113. Petitions for Variances

In addition to the matters required by Rule 112, petitions for variances or modified compliance schedules for Rules not yet effective shall state briefly:

A. The section, Rule or order from which the variance is sought;

B. The facts showing why compliance with the section, Rule or order is unreasonable;

C. The damage or harm resulting or which would result to petitioner from compliance with such section, Rule or order;

D. The benefits to the residents of the District resulting from requiring compliance;

E. The benefits to the residents of the District resulting from granting a variance;

F. Whether or not any case involving the same identical equipment or process is pending in any court, civil, or criminal;

G. A proposed compliance schedule including a schedule of increments of progress;

H. Measures which could be taken to reduce emissions for the period of any variance.

I. Whether or not the subject equipment or process is covered by a Permit issued by the Air Pollution Control District.

(2.0) Rule 114. Appeal from Denial, Suspension or Conditional Approval

A. Petitions to review a denial or conditional approval of a Permit shall, in addition to the matters required by Rule 112 and 113, set forth the application for the Permit or copy thereof and the stated reasons for appeal.

B. Petitions for reinstatement of suspended Permits shall, in addition to the matters required by Rule 112, state the Rule under which the Permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested if any, was not furnished, whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.

(3.0) Rule 115. Petitions for Abatement Orders or Revocation of Permits

A. Petitions for abatement orders or revocation of Permits shall, in addition to the matters required by Rule 112, state the Rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violations.

A brief history of the emission source which is involved in the petition shall also be included.

B. Petitions for abatement orders shall include a proposed abatement order.

(2.0) Rule 116. Failure to Comply With Rules

No petition shall be accepted for filing unless it complies with these Rules relating to the form, filing and service of petitions.

(2.0) Rule 117 Answers

Any person may file an answer within ten (10) days after service. All answers shall be served the same as petitions under Rule 111.

(2.0) Rule 118. Dismissal of Petition

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Rule 119. Place of Hearing

All hearings shall be held at a place designated by the Clerk of the Hearing Board. The location of the hearing shall be at a place readily accessible to the public.

(16.0) Rule 120. Notice of Hearing

A. The Clerk of the Hearing Board shall serve a notice of a hearing pursuant to Article 2, Chapter 8, Part 3, Division 26 of the Health and Safety Code, upon the Air Pollution Control Officer, upon the applicant, if any, upon the permittee, if any, and upon all other persons who are entitled to notice.

B. The notice shall contain the time, date, and place of the hearing and such other information as may be necessary to reasonably indicate the nature and purpose of the hearing.

(2.0) Rule 121. Evidence.

A. Oral evidence shall be taken only on oath or affirmation.

B. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

C. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil action. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objections in civil actions. The rues of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) Rule 122 Official Notice

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) Rule 123. Decision

A. The concurrence of three or more hearing board members is necessary for a decision.

B. The decision shall be in writing, served and filed within a reasonable time after submission of the cause by the parties thereto and shall contain therewith a brief statement of facts found to be true, the determination of the issues presented, the reasons for the decisions. A copy shall be mailed or delivered to the Air Pollution Control District, the petitioner, and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

C. A decisions granting a variance shall include a schedule of increments of progress.

D. As part of a decision granting a variance, the Hearing Board may require a bond be posted to assure accomplishment of those modifications required by the variance.

(2.0) Rule 124. Abatement Order

An order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. Such order may provide for installation of control equipment and, except in the case of a violation of Section 41700 of the Health and Safety Code or Rule 51 of these Rules and Regulations, for a compliance schedule. As an alternative, the Hearing Board may order the shutdown of any source of emissions which violates any Rule or section. An order for abatement may also include a directive to take other action determined appropriate to accomplish the necessary abatement.

(2.0) Rule 125 Findings

No order for abatement shall be granted unless the Hearing Board makes all of the following findings:

A. That the respondent is in violation of Section 41700 or 41701 of the Health and Safety Code or of any Rule of these Rules and Regulations;

B. That the order of abatement will not constitute a taking of property without due process of law;

C. That if the order for abatement results in the closing or elimination of an otherwise lawful business, such closing would not be without a corresponding benefit in reducing air contaminants.

(2.0) Rule 126. Effective Date of Decision

The decision shall become effective fifteen (15) days after delivering or mailing a copy of the decision as provided in Rule 123, or the Hearing Board may order that the decision shall become effective sooner.

(3.0) Rule 127. Lack of Permit

No matter shall be set for hearing by the Clerk of the Hearing Board for any petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a Permit has been granted or denied by the Air Pollution Control District.

(16.0) Rule 128. Compensation - Hearing Board Members

Members of the Air Pollution Hearing Board shall receive $30.00 (thirty dollars) per day or part thereof for attendance at ay meeting or public hearing held by their Board.

(2.0) Rule 129. Burden of Proof

The burden of proof requires proof by a preponderance of the evidence. The petitioner has the burden of proof on all issues. When the Hearing Board, on its own motion, holds a hearing dealing with a variance, the burden of proof is on the party holding the variance.

REGULATION IX. PUBLIC RECORDS

(13.0) Rule 200. Public Records

A. All information, analyses, plans or specifications that disclose the nature, extent, quantity or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

B. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

C. Except as otherwise provided in Paragraph D. of this rule, trade secrets are not public records under this Regulation. Trade secrets, as used in this Regulation may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compounds, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

D. Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in Paragraph C., are public records. Data used to calculate emission data are not emission data for the purpose of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

(14.0) Rule 201. District's Request for Information

A. When requesting information for determining the amount of air contaminants from non-vehicular sources pursuant to Section 41511 or other sections of the Health and Safety Code or Rule 11, the District shall identify the information requested with sufficient specificity to enable the source operator or owner to identify the precise information sought. The District shall give notice in writing that the information provided may be released (1) to the public upon request, except trade secrets which are not emission data, (2) to the California Air Resources Board, and (3) to the Federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act, as amended in 1970 and in Code 40 of the Federal Regulations, Chapter 1, Part 2.

B. Any person from whom the District obtains any records, whether requested by the District or furnished by a person from some other reason, may label as "trade secret" any part of those records which are entitled to confidentiality under Section 6254.7 of the Government Code and Rule 200(A). Written justification for the "trade secret" designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, which information, upon request, will be kept confidential in the same manner as the record sought to be protected.

C. After a preliminary review, the District may reject a justification as having inadequate merit, in which case the person making the justification shall be promptly notified in writing; the records in question shall, upon expiration of twenty-one (21) days from the date of the notice, be subject to public inspection unless a justification is received and accepted.

(14.0) Rule 202. Inspection of Public Records - Disclosure Policy

It is the policy of the Ventura County Air Pollution Control District that all District records, not exempted from disclosure by state law, shall be open for public inspection with the least possible delay and expense to the requesting party.

(14.0) Rule 203. Inspection of Public Records - Disclosure Procedure

A. A request to inspect public records in the custody of the District need not be in any particular form, but it must describe the records with sufficient specificity to enable the District to identify the information sought. The District shall require that a request to inspect be in writing, and such a request shall include but shall not be limited to the following:

1. Name of applicant;

2. Address and legal residence of applicant, if required

for mailing purposes;

3. Emission source of interest;

4. Date of period of emissions of interest.

B. The District shall make available the records requested, with the exception of those records specifically exempted from disclosure by state law and those records labeled pursuant to Rule 201 as "trade secret" which are not emission data, within ten (10) working days of the date of receipt of the request therefore. If, for good cause, the information cannot be made available within ten (10) working days, the District will notify the requesting person the reasons for the delay and when the information will be available. Those records labeled as "trade secrets" shall be governed by the procedure set forth in Rule 204.

C. Within five (5) working days of receipt of a request to inspect public records, the District shall advise the requesting person of the following facts when appropriate:

   1. The location at which the public records in question may be inspected and the date and office hours during which they may be inspected;

   2. If copies of the public records are requested, the cost of providing such copies;

   3. Which of the records requested, if any, have been labeled pursuant to Rule 201 as trade secret" and are not public records. In such a case, the District shall give the notice required by Rule 204(B);

   4. The specific reason why the records cannot be made available, if such is the case. Reasons for unavailability may be, but are not limited to the following: the records are exempt from disclosure by state law; the records cannot be identified from the information contained in the request; the records do not exist; the District has determined pursuant to Section 6255 of the Government Code that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the records; or the records in question are not in custody of the District. In the latter situation the District shall, if possible,

notify the requesting party of the entity most likely to have custody of the records requested.

(14.0) Rule 204. Trade Secrets

A. Only those portions of records in the custody of the District which are not emission data and (1) were labeled "trade secret" prior to the adoption of this Regulation, or (2) are hereafter specifically labeled as "trade secret" pursuant to Rule 201 B, shall be subject to the procedure set forth in this Regulation. All other portions of such records shall be made available pursuant to Rule 203.

B. When the District receives a request to inspect any record so labeled which is not emission data, it shall promptly notify the requesting party that (1) such record is designated a trade secret under Rule 201 B. and, if such is the case, under law it cannot be made available; (2) the District has not determined if it is a trade secret, but the justification of the request for confidentiality is enclosed; and (3) if the requesting party considers the justification inadequate, he may so advise the District in writing, setting forth his reasons.

C. Upon receipt of such advice, the District shall (1) promptly review in detail the justification, the challenge to the justification, and the record; (2) determine if the record is in its entirety a trade secret(s); and (3) promptly notify those person affected of its decision in writing. If the District withholds the record from inspection, the person requesting it may seek judicial relief under Section 6258 of the Government Code. If the District determines that the record is in any significant part not a trade secret, the District shall send the notice required by this Regulation by certified mail, return receipt requested to the person designating the information as a trade secret, with an additional notice that the record in question shall be released for inspection to the requesting party twenty-one (21) days after receipt of the notice, unless the District is restrained from so doing by a court of competent jurisdiction.

D. Should the person designating the record as a trade secret seek protection in a court of law, the requesting party may be made a party to the litigation to justify his challenge to the designation.